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DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2014–BT–TP–0044]

RIN 1904–AD45

Energy Conservation Program: Test Procedure for Battery Chargers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: On August 6, 2015, the U.S. Department of Energy ("DOE") issued a notice of proposed rulemaking ("NOPR") to amend the test procedure for battery chargers. This final rule is based on that NOPR. The final rule amends the current test procedure, incorporating changes that will take effect 30 days after the final rule publication date. These changes will be mandatory for product testing to demonstrate compliance with any future energy conservation standards that DOE may adopt and for any representations made regarding the energy consumption or energy efficiency of battery chargers starting 180 days after publication of this rule. In summary, these changes update the battery selection criteria for multi-voltage, multi-capacity battery chargers, harmonize the instrumentation resolution and uncertainty requirements with the second edition of the International Electrotechnical Commission ("IEC") 62301 standard for measuring standby power, define and exclude back-up battery chargers from the testing requirements of this rulemaking, outline provisions for conditioning lead acid batteries, specify sampling and certification requirements for compliance with future energy conservation standards, and correct typographical errors in the current test procedure.

DATES: The effective date of this rule is June 20, 2016. The final rule changes will be mandatory for representations made starting November 16, 2016. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of June 20, 2016.

ADDRESSES: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at *www.regulations.gov*. All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2014-BT-TP-0044*. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov*.

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: *battery_chargers_and_external_power_supplies@ee.doe.gov*.

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9496. Email: *peter.cochran@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: This final rule incorporates the resolution parameters for power measurements and uncertainty methodologies found in section 4 of IEC 62301, Edition 2.0, 2011–01, "Household electrical appliances—Measurement of standby power", ("IEC 62301") by reference into part 430.

Copies of the IEC 62301 standard can be obtained from the IEC's webstore at *https://webstore.iec.ch/home*.

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I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.;* "EPCA" or, "the Act") sets forth a variety of provisions designed to improve energy efficiency.[1] Part B of title III, which for editorial reasons was redesignated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified), established the "Energy Conservation Program for Consumer Products Other Than Automobiles." Battery chargers are among the consumer products affected by these provisions.

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) ensuring their products comply with the applicable energy conservation standards adopted under EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of those products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

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[1] All references to EPCA refer to the statute as amended through the Energy Efficiency Improvement Act of 2015, Public Law 114–11 (April 30, 2015).

EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA provides that any new or amended test procedure must be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and must not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish a proposed test procedure and offer the public an opportunity to present oral and written comments. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of the covered product as determined under the existing test procedure. (42 U.S.C. 6293(e)(1))

The Energy Policy Act of 2005 ("EPACT 2005"), Public Law 109–58 (Aug. 8, 2005), amended EPCA by adding provisions related to battery chargers. Among these provisions were definitions outlining what constitutes a battery charger and a requirement that DOE prescribe definitions and test procedures for the power use of battery chargers and external power supplies. (42 U.S.C. 6295(u)(1)(A)) DOE complied with this requirement by publishing a test procedure final rule on December 8, 2006, that established a new Appendix Y to address the testing of battery chargers to measure their energy consumption and adopted several definitions related to the testing of battery chargers. 71 FR 71340 (codified at appendix Y to subpart B of 10 CFR part 430 "Uniform Test Method for Measuring the Energy Consumption of Battery Chargers"). Lastly, DOE incorporated by reference specific sections of the U.S. Environmental Protection Agency's ("EPA") "Test Methodology for Determining the Energy Performance of Battery Charging Systems"[2] when measuring inactive mode energy consumption.

The Energy Independence and Security Act of 2007 ("EISA 2007"), Public Law 110–140 (Dec. 19, 2007) later amended EPCA by defining active mode, standby mode, and off mode. (42 U.S.C. 6295(gg)(1)(A)) EISA 2007 also directed DOE to amend its existing test procedure by December 31, 2008, to measure the energy consumed in standby mode and off mode for battery chargers. (42 U.S.C. 6295(gg)(2)(B)(i)) Further, it authorized DOE to amend, by rule, any of the definitions for active, standby, and off modes. (42 U.S.C. 6295(gg)(1)(B)) Accordingly, DOE issued a notice of proposed rulemaking (NOPR) on August 15, 2008 (73 FR 48054), and a final rule on March 27, 2009 (74 FR 13318) to establish definitions for these terms.

Subsequently, in response to numerous testing issues raised by commenters in the context of DOE's energy conservation standards rulemaking efforts for battery chargers, DOE issued another NOPR on April 2, 2010. 75 FR 16958. The NOPR proposed adding a new active mode energy consumption test procedure for battery chargers that would assist in developing potential energy conservation standards for these products. DOE also proposed amending portions of its standby and off mode battery charger test procedure to shorten overall measurement time. DOE held a public meeting to discuss its test procedure NOPR on May 7, 2010, where it also received comments on the proposals set forth in the NOPR. After receiving comments at the public meeting, DOE published a final rule that codified a new active mode test procedure and amended the standby and off mode test procedures. 76 FR 31750 (June 1, 2011). As federal standards for battery chargers have yet to be finalized, DOE has not required manufacturers to submit energy efficiency data for their products tested under the battery charger test procedure.

Following the publication of the most recent battery charger test procedure final rule, DOE continued to receive additional questions and requests for clarification regarding the testing, rating, and classification of battery chargers. As part of the continuing effort to establish federal energy conservation standards for battery chargers and to develop a clear and widely applicable test procedure, DOE published a Notice of Data Availability (NODA) on May 15, 2014. 79 FR 27774. The NODA sought stakeholder comments concerning the repeatability of the test procedure for battery chargers with several consumer configurations, and on anticipated market penetration of new battery charging technologies that may require further revisions to DOE's regulations. DOE also sought stakeholder comments on the reporting methodologies for manufacturers attempting to comply with California's Energy Commission's (CEC's) efficiency standards for battery chargers in order to understand certain data discrepancies in the CEC database. DOE indicated its interest in soliciting feedback to determine whether the current procedure contained any ambiguities requiring clarification. These issues were discussed during DOE's NODA public meeting on June 3, 2014.

To improve the repeatability and reproducibility of the battery charger test procedure, DOE issued a NOPR on August 6, 2015 ("August 2015 NOPR"), which, based on stakeholder comments to the NODA, proposed amendments to appendix Y to subpart B of 10 CFR part 430 and to 10 CFR part 429. 80 FR 46855. DOE then held a public meeting to discuss these proposed amendments on September 15, 2015 and allowed for written comments to be submitted through October 20, 2015. This rule addresses comments that were received on the proposal, and finalizes many of the proposed changes to appendix Y to subpart B of 10 CFR part 430 and to 10 CFR part 429.

II. Summary of the Final Rule

This final rule makes several amendments to the current test procedure for battery chargers. First, the final rule harmonizes the current test procedure for battery chargers with the latest version of the IEC 62301 standard by providing specific resolution and measurement tolerances. This amendment ensures that the measurements resulting from the current test procedure are repeatable and reproducible.

Second, the final rule amends the battery selection criteria for multi-voltage, multi-capacity battery chargers to limit the number of batteries selected for testing to one. For multi-voltage, multi-capacity battery chargers, the battery with the highest rated voltage is to be selected for testing. If at least two batteries meet the criteria of having the highest rated voltage, then the battery with the highest rated charge capacity at that rated voltage is to be selected for testing.

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[2] U.S. Environmental Protection Agency. "Test Methodology for Determining the Energy Performance of Battery Charging Systems." December 2005. Available at: *https://www.energystar.gov/ia/partners/prod_development/downloads/Battery_Chargers_Test_Method.pdf.*

Third, the final rule defines and excludes back-up battery chargers embedded in continuous use devices from being required to be tested under the battery charger test procedure.

Fourth, the final rule allows lead acid batteries to be conditioned prior to testing by applying the protocol currently used for other battery chemistries (excluding lithium-ion). DOE is aware that a lead acid battery's condition may vary upon purchase and this variation can impact the performance of lead acid batteries. Conditioning of these batteries prior to testing will help mitigate the extent of this variation and reduce the variability of the test results.

Fifth, the final rule adds product-specific certification reporting requirements to 10 CFR 429.39(b), which had been reserved. The final rule also adds a sampling methodology to be used for determining representations of battery charger energy consumption and also adds provisions for enforcement testing. These amendments specify the required data elements to certify compliance with any energy conservation standards for battery chargers that DOE may adopt, describe how to calculate the representations, and provide a method for DOE to enforce compliance with any energy conservation standards for battery chargers that DOE may promulgate.

Sixth, the final rule corrects an internal cross-reference error in the current version of Table 3.1 contained in appendix Y to subpart B of 10 CFR part 430, adds units of measurement to the measured and calculated values in the table, and removes the empty value column currently contained in that table. Additionally, the final rule corrects a typographical error in section 5.8(c)(2) of appendix Y to subpart B of 10 CFR part 430.

Table II–1 below summarizes the changes and affected sections of 10 CFR parts 429 and 430.

TABLE II–1—SUMMARY OF CHANGES AND AFFECTED SECTIONS OF 10 CFR PARTS 429 AND 430

Modified sections	Summary of modifications
429.39 Battery Chargers	• Revised requirements for determining represented values for battery chargers in 429.39(a). • Created a new paragraph (b), specifying requirements for certifications of compliance with energy conservation standards for battery chargers.
430.2. Definitions	• Added definition of "back-up battery charger."
1. Scope	• Inserted exceptions for back-up battery chargers embedded in continuous use devices.
2. Definitions	• Inserted unit in the definition of C-Rate in section 2.10. • Renamed "rated battery voltages" as "Nameplate battery voltages" in section 2.17. • Renamed "Rated battery voltage" as "Nameplate battery voltage" in section 2.19. • Renamed "Rated charge capacity" as "Nameplate battery charge capacity" in section 2.20. • Renamed "Rated energy capacity" as "Nameplate battery energy capacity" in section 2.21.
3. Standard Test Conditions	• Incorporated by reference the uncertainty requirements of IEC 62301 in 3.2(a). • Corrected the internal cross reference in Table 3.1 for item 4 and modified the table by removing the current "value" column and adding units to the table as appropriate.
4. Unit Under Test (UUT) Setup Requirements.	• Revised 4.3(a)(1) to remove the possibility of misinterpretation regarding selection of batteries to use for testing for battery chargers packaged with multiple batteries. • Clarified in section 4.3(b) that a single battery must be selected as a result of applying the battery selection criteria in Table 4.1. Inserted a paragraph in section 4.3(b) to require selecting the single battery resulting in the highest maintenance mode power when following Table 4.1 results in two or more distinct batteries. • Changed "rated charge capacity" and "rated charge capacities" to "nameplate battery charge capacity" and "nameplate battery charge capacities," respectively, in section 4.3(c). • Updated Table 4.1 to remove instances of multiple batteries for test and instructed that, where applicable, the battery with the highest voltage must be selected for testing. If multiple batteries meet the criteria of highest voltage, then the battery with the highest charge capacity at that voltage must be selected for testing. Removed column "number of tests."
5. Test Measurements	• Changed "rated battery voltage", "rated charge capacity" and "rated charge energy" to "nameplate battery voltage", "nameplate battery charge capacity" and "nameplate battery energy capacity," respectively, in section 5.1. • Removed reference to lead acid batteries from section 5.3(a). • Inserted provision for lead acid batteries to be discharged to end-of-discharge voltages specified in Table 5.2. • Removed reference to lead acid from section 5.3(d). • Corrected the unit of discharge current to "C" in section 5.8(c)(2). • Added footnote in Table 5.2 regarding situations with protective circuits preventing batteries from reaching the specified discharge voltage.

III. Discussion

In response to the August 2015 NOPR, DOE received written comments from 18 interested parties, including manufacturers, trade associations, standards development organizations, energy efficiency advocacy groups, and a foreign government. Table III–1 below lists the entities that commented on that NOPR and their affiliation. These comments are discussed in more detail below, and the full set of comments can be found at: *http://www.regulations.gov/#!docketBrowser;rpp=25;po=0;dct=PS;D=EERE-2014-BT-TP-0044.*

TABLE III–1—INTERESTED PARTIES THAT PROVIDED WRITTEN COMMENTS ON THE AUGUST 2015 NOPR

Commenter	Acronym	Comment No. (docket reference)
Association of Home Appliance Manufacturers, Power Tool Institute and Outdoor Power Equipment Institute.	Joint Commenters	16
ARRIS Group, Inc and Cisco Systems, Inc	ARRIS	19
California Energy Commission	CEC	08
California Investor Owned Utilities	CA IOUs	21
Delta-Q Technologies Corp	Delta-Q	11
Information Technology Industry Council	ITI	17
iRobot Corp	iRobot	07
Japan Four Electric and Electronic Industrial Associations	Japan 4EE	06
Johnson Outdoor Marine Electronics, Inc	JOME	02
National Electrical Manufacturers Association	NEMA	13
National Marine Manufacturers Association	NMMA	09
Natural Resources Defense Council, Appliance Standards Awareness Project, and Northwest Energy Efficiency Alliance.	NRDC, et al	20
NOPR Public Meeting Transcript, various parties	Pub. Mtg. Tr	04
People's Republic of China	P. R. China	05
Power MergerCo, Inc	Power MergerCo	15
Power Tools Institute and Outdoor Power Equipment Institute	PTI/OPEI	14
Schneider Electric	Schneider Electric	12
Telecommunications Industry Association	TIA	10
WAHL Clipper Corp	WAHL Clipper	18

A. Measurement Accuracy and Precision

To continue to ensure that DOE's test procedure for battery chargers is harmonized with the default guidelines for power and energy measurements generally recognized by many regulatory bodies, DOE proposed in the August 2015 NOPR to incorporate by reference the resolution parameters and uncertainty methodologies found in section 4 of the second edition of the IEC 62301 standard. 80 FR 46855, 46861.

DOE received comments from the CA IOUs, ITI, NEMA, NMMA, Schneider Electric, and WAHL Clipper supporting the proposal. (CA IOUs, No. 21, p. 3, ITI, No. 17, p. 4, NEMA, No. 13, p. 3, NMMA, No. 9, p. 3, Schneider Electric, No. 12, p. 4, WAHL Clipper, No. 18, p. 1). DOE also received comments from JOME and Delta-Q opposing the proposal. JOME expressed concern that the sampling rate of at least one sample per second prescribed in the second edition of the IEC 62301 standard will produce large amounts of data during the 24-hour energy consumption test and the management of these data can be cumbersome for manufacturers. (JOME, No. 2, p. 2) JOME and Delta-Q both recommended a sampling rate of at least one sample per minute. (JOME, No. 2, p. 2, Delta-Q, No. 11, p. 1) Additionally, JOME opposed the mandated calculation of uncertainty of measurement in annex D of the second edition of the IEC 62301 standard. (JOME, No. 2, p. 3)

DOE believes that harmonization with the second edition of the IEC 62301 standard is necessary for ensuring accuracy and repeatability of test results for battery chargers. DOE does not believe that the increase in data resulting from the higher sampling rate is cumbersome or unduly burdensome on manufacturers since test data acquisition and storage is performed automatically using electronic test equipment. Furthermore, DOE believes that the mandated calculation of uncertainty of measurement, as prescribed in annex D of the second edition of the IEC 62301 standard, is necessary for appropriately quantifying the accuracy of measured values. Thus, DOE is incorporating by reference the resolution parameters and uncertainty methodologies found in section 4 of the second edition of the IEC 62301 standard in this final rule.

B. Battery Selection and Testing of Multi-Voltage, Multi-Capacity Battery Chargers

In order to eliminate ambiguity in the battery selection criteria and reduce testing burden on manufacturers, DOE proposed in the August 2015 NOPR to reduce the number of batteries selected for testing certain multi-voltage, multi-capacity battery chargers to one. 80 FR at 46860. These criteria are applicable to multi-voltage, multi-capacity battery chargers packaged or sold without a battery or packaged and sold with more than one battery. Specifically, DOE proposed to modify Table 4.1 to eliminate the multiple tests currently required for multi-voltage and multi-capacity battery chargers and instead require that only one battery with the highest voltage and/or highest capacity be selected. DOE's proposal would result in only one set of test results, and after application of the sampling plan, a single represented value for each basic model of battery charger. Any potential energy conservation standard would only apply to the specific combination that is required to be tested and represented as part of the test procedure.

DOE received numerous comments from a variety of stakeholders regarding the proposed change in the battery selection criteria for multi-voltage, multi-capacity battery chargers. First, DOE received comments from NEMA, NRDC, et al., and Schneider Electric opposing the proposal to limit the number of batteries selected for testing multi-voltage, multi-capacity battery chargers to one. NEMA argued that limiting the number of batteries selected for testing to a single battery prescribes an unnecessary restriction on manufacturers of battery chargers. NEMA further argued that multiple chemistries and capacity values make battery chargers a very diverse category, whose test results cannot be duplicated under too-specific test procedures. (NEMA, No. 13, p. 2) Schneider Electric also argued that limiting the number of batteries selected for testing to a single battery is an unnecessary and burdensome restriction on battery charger manufacturers. Schneider Electric stated that testing a battery charger with the highest voltage or highest capacity battery does not capture the worst-case energy consumption of the battery charger. Schneider Electric recommended an approach requiring manufacturers to select, identify, and declare which battery was used for testing (typically, the worst-case battery subsystem in terms of energy consumption). These testing specifics would be reported and available to DOE and third-party test facilities, to enable them to reproduce the test results. (Schneider Electric, No. 12, p. 2)

DOE believes that the proposed battery selection criteria for testing multi-voltage, multi-capacity battery chargers, packaged or sold without a battery or packaged and sold with more than one battery, is most representative of the overall energy use of the battery charger while reducing testing burden on manufacturers of battery chargers. Due to the increased costs and complexity for a battery charger to support higher voltages, it is unlikely that a manufacturer would add support for higher voltages unless there was a strong demand to charge such batteries. Adding support for lower voltage batteries, however, incurs little to no additional cost or design complexity. Thus, the highest voltage and/or highest capacity battery is likely the most representative combination for a battery charger. As Schneider Electric notes, the highest voltage or capacity may not necessarily be the highest energy use. However, the highest voltage or capacity would be the most common use of such a battery charger. Additionally, it would be burdensome to determine which battery did result in the highest energy use as that would require testing all the combinations of batteries the battery charger supported and, at this point in time, DOE does not have a reason to believe this is necessary. Allowing manufacturers to declare and select the battery used would reduce the testing burden; however, that approach could be inconsistently applied amongst different manufacturers based on how such batteries were selected and may result in battery selections that are not commonly used by consumers. DOE also notes that restricting test results to a single battery instead of multiple batteries would reduce burden on a manufacturer if the potential energy conservation standards only require compliance at the tested battery configuration. Finally, contrary to the assertion of NEMA and Schneider Electric, manufacturers would still be able to distribute the basic model of battery charger with other batteries; DOE is only limiting the battery with which the manufacturer is required to test the battery charger.

NRDC, et al. also opposed DOE's proposal and recommended that DOE retain the current battery selection criteria for multi-voltage, multi-capacity battery chargers so that these chargers are tested against the entire range of batteries compatible with that basic model of charger. Further, NRDC, et al. recommended that the test procedure should ensure battery chargers are tested with the batteries they are shipped with instead of the highest capacity batteries that the chargers are capable of charging. (NRDC, et al., No. 20, p. 3) While DOE is finalizing its proposal of testing multi-voltage, multi-capacity battery chargers shipped either with multiple batteries or without a battery, with one and only one battery to, in part, remove ambiguity in the battery selection criteria, the primary reason is to balance testing burden on manufacturers against potential losses in energy savings that may arise due to testing in specific configurations or modes. DOE believes that testing at the highest voltage would most likely capture the highest energy use of the battery charger as well as the most common use of the battery charger by consumers. DOE will monitor the market as compliance is required and revisit this approach if DOE believes this approach is resulting in unintended consequences. DOE further emphasizes that the selection criteria provided in Table 4.1 of Appendix Y apply only to battery chargers packaged with multiple batteries, or packaged without a battery. The selection criteria do not apply to battery chargers with integrated batteries or to battery charger basic models that are packaged with only one battery (in each of those cases, the battery packaged with the charger would be used for testing). For a battery charger packaged with a battery, the battery charger basic model includes the entire battery charger system as packaged together and distributed into commerce. Therefore, if a battery charger is packaged and sold with a single battery of a particular voltage and capacity, and that same charger model is packaged and sold with another single battery of different voltage and capacity, then each combination of charger circuitry and battery would be considered its own battery charger basic model. A battery charger basic model is subject to testing, certification, and compliance with an energy conservation standard. The selection criteria are not relevant in these cases because the test procedure would require testing the battery charger circuitry and the (single) battery packaged together as a single battery charger basic model. The battery selection criteria proposed in the August 2015 NOPR are only used when more than one battery is packaged with a battery charger or when no batteries are packaged with the charger. For the reasons stated above, DOE is finalizing its proposal to reduce the number of batteries selected for testing certain multi-voltage, multi-capacity battery chargers packaged with multiple batteries, or packaged without a battery, to one in this final rule.

DOE also received stakeholder comments supporting the proposed battery selection criteria but arguing that the highest voltage and highest capacity might not always be found in the same physical battery. (The Joint Commenters, No. 16, p. 5; DELL Inc., Pub. Mtg. Tr., No. 4, p. 31–33). Under DOE's proposal, a multi-voltage and multi-capacity battery charger would be tested using the battery or configuration of batteries with the highest individual voltage and highest total rated energy capacity. Upon further consideration, DOE acknowledges that this proposal creates ambiguity in cases where a battery with a lower voltage has a higher rated energy capacity than a battery with a higher voltage, and vice-versa. To eliminate this ambiguity in the proposed battery selection criteria, ITI and PTI/OPEI recommended selecting a battery with the highest capacity, and if multiple batteries exist with the same capacity then the battery with the highest voltage would be selected. (ITI, No. 17, p. 2, PTI/OPEI, No 14, p. 4) In contrast, NRDC, et al. recommended selecting a battery with the highest voltage, and if multiple batteries of the same voltage exist then select the battery with the highest capacity. (NRDC, et al., No. 20, p. 2) NRDC, et al. also recommended selecting the battery with the lowest charge capacity, and if multiple batteries meet this criterion, then the compatible battery with the lowest voltage and lowest charge capacity would be selected. (NRDC, et al., No. 20, p. 3) NEMA recommended that manufacturers should be permitted discretion on battery selection based on internal considerations such as the most common type of batteries used in their supply chain, etc. (NEMA, No. 13, p. 2) DOE also received comments that recommended selecting the most common battery for the application (JOME, No. 2, p. 2), the battery mentioned in the user manual (Japan 4EE, No. 6, p. 3), and the readily available batteries specific to lead acid battery chargers (NMMA, No. 9, p. 2).

The proposals from NEMA, Japan 4EE, and NMMA could be representative of the battery charger energy; however, there is no way to ensure repeatability when selecting the battery since different manufacturers may select recommended batteries for reasons unrelated to representativeness, the most commonly used battery may change over time, and readily available batteries may also change over time resulting in constant retesting and recertifications.

In the August 2015 NOPR, DOE proposed that the highest voltage and/or highest capacity battery be selected for multi-voltage, multi-capacity battery chargers. 80 FR at 46860. DOE intended to prioritize battery voltage over battery capacity. Higher voltages require the most design consideration for battery chargers, and a manufacturer would not design for higher voltages unless it was common and significant to the use of the battery charger. Increased battery capacity generally does not require as significant a redesign of the battery charger. Therefore, in response to stakeholder comments and to clarify its original intention, DOE is modifying the battery selection criteria language for multi-voltage, multi-capacity battery chargers in Table 4.1 to more clearly specify that battery voltage is prioritized over battery capacity. This update eliminates any ambiguity in the battery selection criteria while ensuring that the energy consumption of multi-voltage, multi-capacity battery chargers is tested at the most representative combination as DOE intended.

Further, DOE received comments from NRDC, et al. supporting DOE's additional proposed criterion of testing a multi-voltage, multi-capacity, multi-chemistry battery charger with a battery that results in the highest maintenance mode power if applying the battery selection criteria in Table 4.1 results in more than one battery selected (such that two or more batteries, each with a unique chemistry, meet the selection criteria). (NRDC, et al., No. 20, p. 2) However, NMMA recommended that DOE clarify that the selection criterion of highest maintenance mode power only applies to chargers of distinct chemistries, and does not apply to lead acid battery chargers sold without an accompanying battery. NMMA stated that the maintenance mode power of lead acid batteries depends on a number of factors, not all manufacturers of lead acid batteries publish this information, and, therefore, selection of worst-case lead acid batteries may be difficult to achieve. (NMMA, No. 9, p. 2)

In response to the concern raised by NMMA, DOE clarifies that the additional battery selection criterion of selecting the battery that results in the highest mode maintenance power was intended to only apply when application of the battery selection criteria in Table 4.1 to multi-voltage, multi-capacity, multi-chemistry chargers results in more than one battery (such that two or more batteries, each with a unique chemistry, meet the selection criteria). This criterion was not intended to and will not apply to multi-voltage, multi-capacity battery chargers sold without an accompanied battery that are only capable of charging batteries of a single chemistry such as lead acid. Additionally, since DOE is reducing the testing burden to a single voltage point, testing with the highest maintenance mode power ensures that the energy savings from a potential energy conservation standard is maximized. Therefore, DOE is finalizing the additional battery selection criterion of selecting the battery and battery charger combination resulting in the highest maintenance mode power if applying the battery selection criteria in Table 4.1 results in more than one battery (such that two or more batteries, each with a unique chemistry, meet the selection criteria) for a multi-voltage, multi-capacity, multi-chemistry battery charger.

Lastly, NEMA recommended that DOE require manufacturers of multi-voltage, multi-capacity, multi-chemistry battery chargers to identify and declare testing specifics that would be reported and available to DOE and third-party test facilities, to enable them to reproduce the test results. (NEMA, No. 13, p. 2) NEMA's recommendation was based on its recommendation that DOE relax the requirements of its proposed test procedure to allow options for battery selection under these circumstances. NEMA contended that "too-specific test procedures challenge successful duplication of test efforts." (NEMA, No. 13, p. 2) DOE believes, to the contrary, that deviation from the standard protocols would negatively affect accuracy and repeatability of test results. Therefore, this test procedure final rule for battery chargers details and standardizes all specifics surrounding compliance testing. As such, there will be no need for the requirement recommended by NEMA.

C. Back-Up Battery Chargers

In the August 2015 NOPR, DOE proposed to define back-up battery chargers and exclude them from the scope of the battery chargers test procedure rulemaking. 80 FR at 46860. In that document, DOE explained that because these types of devices are becoming increasingly integrated with a variety of products that do not perform back-up battery charging as a primary function, measuring the energy use associated with the battery charging function of these devices is often extremely difficult—if not impossible—because of the inability to isolate the energy usage from the battery charging function during testing. DOE proposed to define back-up battery chargers in 10 CFR 430.2 as a battery charger that: (1) Is embedded in a separate end-use product that is designed to operate continuously using mains power (AC or DC), and (2) has as its sole purpose to recharge a battery used to maintain continuity of load power in case of input power failure.

DOE received comments from ARRIS and Japan 4EE supporting DOE's decision to define and exclude back-up battery chargers from the scope of the battery chargers test procedure. (ARRIS, No. 19, p. 1, Japan 4EE, No. 6, p. 3) However, DOE also received comments from the CA IOUs, CEC, NRDC, et al. and Schneider Electric opposing this aspect of DOE's proposal. Schneider Electric expressed concern that, in the absence of a Federal test procedure covering back-up battery chargers, manufacturers of back-up battery chargers are faced with the possibility of individual states introducing numerous and potentially inconsistent test procedures and energy conservation standards, which will be unduly burdensome on manufacturers. (Schneider Electric, No. 12, p. 1) The CEC, CA IOUs, and NRDC, et al. contended that excluding back-up battery chargers from the test procedure will preempt the CEC's existing energy efficiency standards for back-up battery chargers, which can potentially lead to backsliding of energy savings from the CEC standards. Furthermore, the CEC, CA IOUs and NRDC, et al. suggested that, if DOE decides to exclude back-up battery chargers from the scope of the battery chargers test procedure, DOE should exclude back-up battery chargers from the definition of battery chargers altogether, which will allow the current CEC standards to remain applicable until DOE decides to introduce a specific test procedure for back-up battery chargers. (CEC, No. 8, p. 3, CA IOUs, No. 21, p. 3, NRDC, et al., No. 20, p. 2)

In response to these concerns, DOE clarifies here that, while the rule adopted here will preempt state test procedures for battery chargers, state energy conservation standards for battery chargers, including back-up battery chargers and UPSs, prescribed or enacted before publication of this final rule, will not be preempted until the compliance date of Federal energy conservation standards for battery chargers. (42 U.S.C. 6295(ii)(1))

DOE has considered all stakeholder comments related to this topic and is finalizing the exclusion of back-up battery chargers, as defined in 10 CFR 430.2, from the battery charger test procedure. This is not because it is not possible to apply the test procedure to back-up battery chargers, but rather because applying the battery charger test procedure to back-up battery chargers does not result in a representative measure of the energy consumption of these battery chargers. While the battery charger test procedure allows a manufacturer to minimize standby power of additional functionalities or incorporate an on-off switch to disable non-battery charger functions, doing so is impractical for applications that are designed to operate continuously. There would be no practical reason, therefore, for a manufacturer to implement potentially costly technology or switches that limit the non-battery charging functions of a design in which those non-battery charging functions are designed to be operated continuously, and thus, are not representative of typical use.

Similarly, DOE is excluding uninterruptible power supplies ("UPSs") from this battery charger test procedure. DOE has proposed, as part of a separate rulemaking, a test procedure for UPSs that contain an AC output. See *http://energy.gov/sites/prod/files/2016/04/f31/Uninterruptible%20Power%20Supply%20Test%20Procedure%20NOPR_0.pdf.* That rulemaking, if finalized as proposed, would establish a different battery charger test procedure for UPSs with an AC output, and would ensure that a uniform and consistent test procedure exists for these type of battery chargers that is representative of their energy consumption and energy efficiency.

DOE also received comments from ITI requesting that DOE define and exclude rechargeable battery subsystems from the test procedure for battery chargers. ITI defines rechargeable battery subsystems as "rechargeable batteries and battery charger systems contained completely within a larger product that are not capable of providing normal operation of the parent product when AC mains power is removed." ITI argued these products are functionally different from other battery chargers covered under this regulation. ITI contends that batteries and battery charging subsystems cannot be effectively isolated from the parent device for testing and there is no appropriate test procedure to measure the energy consumption of these subsystems. (ITI, No. 17, pp. 3–4)

After researching applications and architectures of rechargeable battery subsystems, as defined by ITI, DOE believes that rechargeable battery subsystems would already meet the proposed definition of back-up battery chargers. In particular, a battery charger that maintains a battery used to provide partial operation of a parent product in the event of an input power failure would not preclude it from meeting the definition proposed by DOE. Therefore, under DOE's proposal, rechargeable battery subsystems would be excluded from the scope of the battery charger test procedure. Based on the comment from ITI, DOE is finalizing a modified definition of back-up battery chargers in 10 CFR 430.2 to make clear that a battery charger system embedded in a continuous use product does not need to maintain continuity of normal operation in the event of a power loss to qualify as a back-up battery charger. Hence, in this final rule, back-up battery charger means a battery charger (excluding UPSs) that: (1) Is embedded in a separate end-use product that is designed to continuously operate using mains power (including end-use products that use external power supplies), and (2) has as its sole purpose to recharge a battery used to maintain continuity of power in order to provide normal or partial operation of a product in case of loss of input power. This definition of back-up battery chargers clarifies that rechargeable battery subsystems meet the definition of back-up battery chargers.

D. Conditioning and Discharge Rate for Lead Acid Battery Chargers

In the August 2015 NOPR, DOE proposed to apply the same battery conditioning provisions found in section 5.3(c) of appendix Y to subpart B of 10 CFR part 430, to lead acid batteries and use a 50% depth of discharge during conditioning cycles. 80 FR at 46861. Since the publication of the NOPR, DOE received comments from JOME, Delta-Q, NEMA, Schneider Electric and ITI supporting the proposal of allowing conditioning for lead acid batteries prior to testing. (JOME, No. 2, p. 3, Delta-Q, No. 11, p. 2, NEMA, No. 13, p. 3, Schneider Electric, No. 12, p. 4, ITI, No. 17, pp. 4–5) However, some of these commenters also recommended alternative methods for conditioning lead acid batteries. JOME requested that DOE should refrain from mandating two conditioning cycles for large lead acid batteries because of time considerations. (JOME, No. 2, p. 3) Similarly, Delta-Q recommended that DOE should not mandate two conditioning cycles for lead acid batteries. (Delta-Q, No. 11, p. 1) Schneider Electric and ITI suggested conditioning lead acid batteries by means of a float charger for a duration of at least 72 hours for batteries that have been in storage for 3 months or longer. (Schneider Electric, No. 12, p. 4, ITI, No. 17, p. 5) NEMA recommended that DOE provide flexibility in the process of conditioning batteries for certification testing. NEMA highlighted that it is not unusual for lead acid batteries to be in storage for some time and that two discharge cycles may not be enough to fully recover their capacity. Further, NEMA mentioned that a float charge of 72 hours duration is also sometimes used following 100% discharge cycles depending on battery condition, age or other needs. (NEMA, No. 13, p. 3)

NRDC, et al. opposed the proposal to allow lead acid batteries to be conditioned prior to testing. In its view, unlike the current test procedure, permitting the conditioning of lead acid batteries would allow lower efficiency battery chargers to comply with the proposed energy efficiency standards. (NRDC, et al., No. 20, p. 5) The CEC also recommended that if DOE decides to allow conditioning of lead acid batteries prior to testing, DOE must also factor the impact of this conditioning into its proposed energy conservation standards for lead acid battery chargers. (CEC, No. 8, p. 7)

DOE has become aware that the condition of lead acid batteries may vary upon purchase and this variation can impact the repeatability of test results of lead acid battery chargers. Given this fact, conditioning lead acid batteries prior to testing will produce more accurate and repeatable representations of battery discharge energy, which will result in more accurate and repeatable representations of energy consumption for lead acid battery chargers. Additionally, standardizing the battery conditioning protocol will help to ensure repeatability of all test results. DOE has not collected or received any data to suggest that cycling a lead acid battery twice—as is being adopted in this rule—would significantly increase that battery's energy capacity. Therefore, in the absence of such data, DOE also does not believe that allowing conditioning of lead acid batteries needs to be factored into potential energy conservation standards (as commented by CEC) because its impact on the measured energy consumption is minimal. With regards to the use of float chargers for batteries stored for at least 3 months, DOE notes that section 5.3(d) of appendix Y to subpart B of 10 CFR part 430 already contains provisions to fully charge the battery if it has already been conditioned through at least two cycles, which could include a float charger to charge the battery. DOE does not believe it is necessary to specify in detail the type of charging used. After careful consideration of comments from all interested stakeholders, DOE is finalizing its proposal to condition lead acid batteries prior to testing by applying the provisions for conditioning found in section 5.3(c) of appendix Y to subpart B of 10 CFR part 430.

DOE also proposed to amend its test procedure by providing manufacturers with the option of choosing from a 5-hour ("C/5" or "0.2C"), 10-hour ("C/10" or "0.1C"), or 20-hour ("C/20" or ".05C") discharge rate when testing lead acid batteries. DOE's proposal limited this option to lead acid batteries with an energy capacity above 1,000 watt-hours (Wh) because a longer discharge cycle would do little to maximize discharge energy for batteries under 1,000 Wh, but would have a more significant impact on maximizing discharge energy for batteries greater than 1,000 Wh. 80 FR at 46861.

JOME, NMMA and Delta-Q provided comments supporting the allowance of slower discharge rates for large lead acid batteries. (JOME, No. 2, p. 3, NMMA, No. 9, p. 3, Delta-Q, No. 11, p. 3) However, NRDC, et al., CEC and the CA IOUs strongly opposed allowing slower discharge rates for large lead acid batteries. (NRDC, et al., No. 20, p. 4, CEC, No. 8, pp. 4–5, CA IOUs, No. 21, p. 4) NRDC, et al. stated that slower discharge rates are not representative of applications with fast discharge rates, such as golf carts. (NRDC, et al., No. 20, p. 4) Similarly, P. R. China claimed that certain practical applications of large lead acid batteries require higher discharge currents and 1-hour, 2-hour and 3-hour discharge rates are more representative of these applications. Instead, it recommended using discharge rates that are representative of their practical application. (P. R. China, No. 5, p. 3) Lastly, NRDC, et al., the CEC and the CA IOUs requested that DOE reassess its proposed energy conservation standards for battery chargers if DOE decides to allow slower discharge rates for large lead acid batteries. (NRDC, et al., No. 20. p. 5, CEC, No. 8, p. 7, CA IOUs, Pub. Mtg. Tr., No. 4, p. 64)

After careful consideration of comments submitted by all interested stakeholders on this issue, DOE is electing not to finalize its proposal of allowing multiple discharge rates for large lead acid batteries. Therefore, all batteries will continue to be discharged at the 5-hour (*i.e.*, C/5 or 0.2C) discharge rate as prescribed in the current test procedure for battery chargers. While a single discharge rate is not representative of all applications of batteries, the 5-hour discharge rate is currently used by all manufacturers of battery chargers as part of the Appliance Efficiency Regulations for Battery Charger Systems by the CEC. See Table D in section III.F of Energy Efficiency Battery Charger System Test Procedure Version 2.2.[3] Moreover, usage of a 5-hour discharge rate for all batteries effectively avoids any variability that would be introduced by allowing manufacturers of certain battery chargers to use one of three specified discharge rates.

Finally, a number of stakeholders highlighted a typographical error in the proposed requirements for conditioning lead acid batteries found in section 5.3(c) of appendix Y to subpart B to 10 CFR part 430 where it is stated that lead acid batteries should be discharged to 50% of the rated voltage instead of to 50% depth of discharge. 80 FR at 46869. Delta-Q requested DOE fix this error by stating that lead acid batteries should be discharged to 50% of rated capacity. (Delta-Q, No. 11, p. 2) Schneider Electric, NEMA, and PTI/OPEI requested DOE fix this error by stating that lead acid batteries should be discharged to voltage levels provided in Table 5.2 of the existing battery charger test procedure. (Schneider Electric, No. 12, p. 4, NEMA, No. 13, p. 3, PTI/OPEI, No. 14, p. 4)

DOE is resolving this clerical error in the final rule by stating that all lead acid batteries be conditioned by discharging to the voltage levels already stated in Table 5.2 of the current test procedure for battery chargers, which is consistent with DOE's original intention of discharging lead acid batteries to 50% depth of discharge during conditioning.

E. Sampling and Certification Requirements

DOE proposed to update 10 CFR 429.39, section (a), "Determination of represented value", and reserved section (b), "Certification Reports," to detail how to apply the sampling plan to calculate represented values for each measure of energy consumption, time, and power recorded as part of the battery charger test procedure, and subsequently report those ratings during certification. 80 FR at 46862. Specifically, DOE proposed that certification reports for battery chargers include represented values for the measured maintenance mode power ("P_m"), the measured standby power ("P_{sb}"), the measured off mode power ("P_{off}"), the measured battery discharge energy ("E_{Batt}"), and the measured 24-hour energy consumption ("E_{24}"). These represented values would then be used, in conjunction with the proposed equations set forth in the battery chargers energy conservation standards NOPR,[4] to calculate the unit energy consumption ("UEC") for that battery charger basic model. UEC is designed to represent an annualized amount of non-useful energy consumed by a battery charger in all modes of operation over the course of a year.

DOE received comments from the Joint Commenters, WAHL Clipper, and PTI/OPEI arguing that individual representations of five measures of energy and power (E_{24}, E_{batt}, P_m, P_{sb} and P_{off}) are unduly burdensome on battery charger manufacturers and recommended that DOE require only a single representation of the UEC metric in the certification report. (Joint Commenters, No. 16, p. 4, WAHL Clipper, No. 18, p. 1, PTI/OPEI, No. 5, p. 3) Furthermore, the Joint Commenters argued that it is easier for manufacturers to make conservative representations in the context of a single energy consumption metric, as opposed to conservatively rating five measures of energy and power. (Joint Commenters, No. 16, p. 3)

After considering the comments submitted by the Joint Commenters, WAHL Clipper, and PTI, DOE agrees that it is easier for manufacturers to make conservative representations in the context of an energy consumption metric, the UEC. Therefore, DOE is adopting only the requirement that manufacturers develop a UEC rating for that battery charger basic model according to the statistical requirements in 10 CFR 429.39(a), which allows for conservative ratings of UEC (in kWh/year) that are greater than the higher of the mean or the upper confidence limit divided by 1.05 for the UECs calculated for each unit in the compliance certification sample.

In addition, in order to calculate the UEC for a battery charger basic model during compliance testing, DOE is adding the UEC equations and the associated battery charger usage profiles proposed in the September 1, 2015 battery charger energy conservation standards Supplemental Notice of Proposed Rulemaking (SNOPR)[5] to section 5.13 of the battery charger test procedure codified at appendix Y to subpart B of 10 CFR part 430. In order to develop a UEC rating, a manufacturer will first need to calculate the UEC for each unit in the compliance certification sample of a battery charger basic model. For example, if a manufacturer sampled four units of a battery charger basic model, it would be required to calculate the UEC for each of those four units in the sample using the UEC equations in section 5.13 of appendix Y to subpart B of 10 CFR part 430, and then apply the statistical requirements in 10 CFR 429.39(a) in order to develop a rating of UEC for that battery charger basic model.

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[3] California Energy Commission. *Energy Efficiency Battery Charger System Test Procedure*, (November 2008). Available at: *http://www.energy.ca.gov/appliances/2008rulemaking/2008-AAER-1B/2008-11-19_BATTERY_CHARGER_SYSTEM_TEST_PROCEDURE.PDF.*

[4] Energy Conservation Standards for Battery Chargers and External Power Supplies; Proposed Rule, 77 FR 18478, 18522–24 (Mar. 27, 2012) (March 2012 NOPR).

Manufacturers will still be required to submit represented values of E_{24}, E_{batt}, P_m, P_{sb}, P_{off}, and the duration of the charge and maintenance mode test (t_{cd}) of a battery charger basic model as part of the compliance certification report; however, these represented values will now simply be the arithmetic mean of the measured values for each of these metrics from the units tested in the compliance certification sample. Reporting mean values of E_{24}, E_{batt}, P_m, P_{sb}, P_{off}, and t_{cd} on the certification report will not increase testing burden on manufacturers, as manufacturers will already be using these values to calculate each unit-specific UEC in order to develop UEC ratings. In addition to there being no additional testing burden, the reporting burden itself is limited to simply calculating averages for the six metrics already measured. Reporting represented values of E_{24}, E_{batt}, P_m, P_{sb}, P_{off} and t_{cd} in certification reports for battery chargers provides DOE with more accurate data on the six measured values of power, energy and time for basic models of battery chargers. Accordingly, DOE is revising 10 CFR 429.39(a) to reflect these statistical requirements for representing UEC, E_{24}, E_{batt}, P_m, P_{sb}, P_{off}, and t_{cd} for battery charger basic models.

Second, DOE has received stakeholder comments on the sampling requirements that are already part of the current test procedure for battery chargers. JOME provided comments opposing the sampling requirements on the basis that these requirements increase the number of test units and, consequently, increase the time and costs associated with testing. (JOME, No. 2, p. 4) Schneider Electric also provided comments opposing the sampling requirements. Schneider Electric argued that because there is no documented case of market surveillance failure under the CEC efficiency standards for battery chargers and that manufacturers are ultimately responsible for compliance, DOE should allow manufacturers to define their own sampling plans. (Schneider Electric, No. 12, p. 5) Similarly, Delta-Q expressed concern that although the sampling plan sets the minimum number of samples to be tested per basic model to two units, the statistical approach of upper and lower confidence limits would require more than two units to be tested to account for variability, which imposes a cost and time burden on manufacturers. Delta-Q also expressed concern that if the same flooded lead acid battery is used to test all samples of a basic model of a lead acid battery charger, the high cycle-to-cycle variation of the flooded lead acid battery can have a negative impact on test results. Delta-Q sought clarification on whether the same battery would be used to test all samples of a basic model of a battery charger. (Delta-Q, No. 11, p. 3)

DOE currently mandates sampling requirements to improve the statistical validity of representations made by manufacturers and to ensure products being distributed in commerce actually meet the applicable standard. Under DOE's sampling methodology, manufacturers may determine the number of samples tested as long as the sampling requirements adopted in this final rule are satisfied. To the extent that manufacturers commented that the sample size is required to be greater than two units, DOE believes it is appropriate for a manufacturer to test a sample of sufficient size to make a statistically valid assessment of the compliance of the basic model. Therefore, DOE believes that the sampling requirements for certification of battery chargers stated in 10 CFR 429.39 are appropriate and are not unduly burdensome. Regarding Delta-Q's question (*i.e.*, whether the same battery is used for testing all samples of a basic model), DOE notes that each manufacturer must determine whether to test all samples of the same battery charger basic model with a single battery or with a new battery each time.

Third, DOE received comments from the Joint Commenters and WAHL Clipper opposing the reporting of contract manufacturer names for their external power supplies ("EPSs") and test batteries in certification reports. The Joint Commenters and WAHL Clipper recommended that DOE classify and treat manufacturers of EPSs and test batteries as confidential. (Joint Commenters, No. 16, p. 4, WAHL Clipper, No. 18, p. 1) Similarly, ITI argued for the exclusion of the manufacturer and model number of the test battery from certification reports (ITI, No. 17, pp. 5–6), and Schneider Electric inquired as to whether DOE can hold compliance certification reports of upcoming models confidential until the official launch of these models. (Schneider Electric, Pub. Mtg. Tr., No. 4, pp. 93–94).

In response to the comments submitted by the Joint Commenters, WAHL Clipper and ITI, DOE acknowledges that publically disclosing the manufacturers and models of test batteries and external power supplies as part of the battery charger compliance certification reports might have a negative impact on competition. Therefore, DOE is revising the battery charger compliance certification requirements in 10 CFR 429.39(b) so that the manufacturers and models of test batteries and external power supplies are not included in the public disclosures in DOE's compliance certification database. Other than the manufacturer and model of test battery(s) and external power supply, all other product-specific information on a battery charger compliance certification report will be public. Further, in response to the comment submitted by Schneider Electric, DOE clarifies that the confidentiality provisions in 10 CFR 429.7 apply to this rulemaking. Manufacturers who want DOE to hold compliance certification reports of upcoming basic models confidential until the official launch of these basic models should refer to 10 CFR 429.7 for guidance regarding confidentiality. DOE also emphasizes that the manufacturers and models of test batteries and external power supplies will not be provided on the public CCMS database.

Fourth, during the public meeting held to discuss the August 2015 NOPR, DOE received numerous comments inquiring about circumstances that will require manufacturers of battery chargers to recertify their basic models. WAHL Clipper inquired on whether recertification is necessary if a battery manufacturer is changed but battery characteristics remain the same. (WAHL Clipper, Pub. Mtg. Tr., No. 4, p. 83) DELL Inc. asked whether battery charger manufacturers would need to recertify their basic models if there is a change in battery model or part number due to minor improvements made by the battery manufacturer. (DELL Inc., Pub. Mtg. Tr., No. 4, pp. 85–86) STIHL Inc.

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[5] Energy Conservation Standards for Battery Chargers; Supplemental Notice of Proposed Rulemaking, 80 FR 52849, 52932–33 (Sept. 1, 2015) (September 2015 SNOPR).

questioned whether basic models of battery chargers require recertification if a higher capacity battery that works with the battery charger is introduced into the market. (STIHL Inc., Pub. Mtg. Tr., No. 4, p. 120) DELL Inc. further inquired whether an entire family of products would need to be recertified if one product in the family uses a new, improved battery. (DELL Inc., Pub. Mtg. Tr., No. 4, p. 120–123)

In response to the comments made by WAHL Clipper, DELL Inc. and STIHL Inc. regarding recertification, DOE notes that its existing regulations address when modifications require recertification. A modification to a model that increases the model's energy or water consumption or decreases its efficiency resulting in re-rating must be certified as a new basic model. 10 CFR 429.12(e)(1). If the design of the battery charger basic model, including the battery, has changed in such a way that the information certified to DOE would no longer be valid, then the manufacturer would be required to test and recertify its battery charger basic model. Recertification would not be necessary if changes to the design of the battery charger result in the UEC remaining below the rated value. Changes resulting in a new individual model in the basic model do not require additional testing but must be reported as part of the next annual certification report. 10 CFR 429.12(d).

Fifth, DOE also received some general comments regarding the proposed sampling and certification requirements for battery chargers. PTI inquired if third-party laboratories are allowed to file for certification on behalf of manufacturers. (PTI, Pub. Mtg. Tr., No. 4, pp. 126–27) Schneider Electric asked for clarification on how to certify in situations where the integrated battery does not have a nameplate. (Schneider Electric, Pub. Mtg. Tr., No. 4, pp. 88–89) NEMA recommended that DOE clearly state whether manufacturers can use an alternate efficiency determination method ("AEDM") to certify battery chargers. (NEMA, No. 13, p. 4)

DOE regulations require "manufacturers" (defined to include importers and U.S. manufacturers) of covered products that are subject to energy conservation standards to submit certification reports to DOE. The regulations also provide, however, that a manufacturer may elect to use a third party to submit the certification report to DOE. Nonetheless, the manufacturer is ultimately responsible for submission of the certification report to DOE. 10 CFR 429.12

In response to Schneider Electric's comment regarding integrated batteries without a nameplate, DOE clarifies that manufacturers would still be required to disclose the battery specifications as part of the certification report even if the battery does not have a nameplate with rated values. It is DOE's understanding that manufacturers of battery chargers with integrated batteries are aware of the exact battery specifications as these specifications are crucial to their product design and intended use. DOE has added language in appendix Y to subpart B of 10 CFR part 430 to clarify that if these rated values are not clearly present on a nameplate or the manufacturer is not aware of the specifications, then the manufacturer must submit measured values. In particular, the manufacturer must measure and report, in place of the rated values, the nominal fully charged battery voltage of the test battery in volts (V), the battery charge capacity of the test battery in ampere-hours (Ah) as measured per this test procedure and the battery energy capacity of the test battery in watt-hours (Wh) as measured per this test procedure.

In response to NEMA's comment regarding AEDMs, DOE authorizes the use of AEDMs for certain covered products that are difficult or expensive to test in an effort to reduce the testing burden faced by manufacturers of expensive or highly customized basic models. DOE's analysis has shown that battery chargers are neither difficult nor expensive to test. Therefore, DOE is not including any provisions allowing manufacturers to use an AEDM for compliance certification in this test procedure final rule.

F. Enforcement Testing Sampling Plan

DOE proposed to add appendix D to subpart C of 10 CFR part 429 to describe the methodology that DOE would use when conducting enforcement testing for battery chargers. 80 FR at 46868. DOE received comments from the Joint Commenters and PTI/OPEI inquiring if DOE had unintentionally left out the standard error of the measured energy performance, as described in appendix A to subpart C of 10 CFR part 429. The Joint Commenters and PTI/OPEI both argued for the inclusion of the standard error of the measured energy performance in the battery charger test procedure final rule. (Joint Commenters, No. 16, pp. 4–5, PTI/OPEI, No. 14, p. 3) iRobot recommended that DOE adopt the proposed enforcement rules and further recommended that DOE only use enforcement data to establish if a basic model meets the applicable standard. iRobot requested that, if DOE is planning on using enforcement data to check represented values in the compliance certification, DOE explain the exact method of comparison to be used in an additional NOPR and grant stakeholders an opportunity to comment on the exact method of comparison. (iRobot, No. 7, p. 3) Similarly, ITI argued that DOE should not use enforcement data to check values that do not have limits assigned in the applicable energy conservation standards. (ITI, No. 17, p. 5) Additionally, NRDC, et al. expressed concern that if DOE were to use enforcement data to check representations of E_{24}, E_{Batt}, P_m, P_{sb} and P_{off}, then manufacturers will be encouraged to report non-typical values of these measures, which will not be representative of reality. (NRDC, et al., Pub. Mtg. Tr., No. 4, pp. 110–11)

As discussed in section III.E above, battery charger manufacturers will be required to certify the UEC metric, which will be calculated according to the primary or secondary equation in section 5.13 of appendix Y to subpart B of 10 CFR part 430, for each battery charger basic model, and according to the statistical requirements at 10 CFR 429.39(a). Additionally, manufacturers of battery chargers will be required to certify values for E_{24}, E_{Batt}, P_m, P_{sb}, P_{off} and t_{cd}, each of which is simply the arithmetic mean of the measured values from the units tested. In light of the discussion in section III.E, DOE's proposal in the August 2015 NOPR to add appendix D to 10 CFR part 429 subpart C is no longer necessary. DOE will instead continue to follow the sampling plan for enforcement testing already stated in appendix A to subpart C of 10 CFR part 429 for battery chargers. In response to comments from the Joint Commenters and PTI, appendix A to subpart C of 10 CFR part 429 includes the standard error for the measured energy performance.

Additionally, PTI inquired whether a value of UEC calculated during enforcement testing, which is below the applicable energy conservation standard but above the represented value in a compliance certification, is a case of noncompliance. (PTI, Pub. Mtg. Tr., No. 4, pp. 81–82) iRobot and Schneider Electric recommended that DOE provide manufacturers access to units that fail enforcement testing. (iRobot, No. 7, p. 3, Schneider Electric, Pub. Mtg. Tr., No. 4, p. 109)

If DOE conducts enforcement testing, appendix A to subpart C of 10 CFR part 429 sets forth the method for determining whether a basic model complies with the applicable energy conservation standard. If, during testing, DOE finds that the measured UEC is above the certified value, DOE typically investigates the reason for the discrepancy. Depending on the circumstances, DOE may seek civil penalties, as knowing misrepresentation by a manufacturer by certifying a value for a covered product in a manner that is not supported by test data is a prohibited act. 10 CFR 429.102. Units provided by the manufacturer for enforcement testing are returned to the manufacturer after the enforcement case is closed.

Further, DOE received comments from P. R. China requesting that DOE clarify the sample size to be used during enforcement testing and whether different sample sizes will be used for different manufacturers. (P. R. China, No. 5, p. 3) For enforcement testing of battery chargers, the initial sample size is four units. DOE may test up to 21 units, in accordance with the provisions of appendix A to subpart C of 10 CFR part 429.

G. Corrections to Typographical Errors

In this test procedure final rule, DOE is updating Table 3.1 of appendix Y to subpart B of 10 CFR part 430 to correct cross-reference errors and eliminate a redundant column. The "Battery Discharge Energy" item on the second line in this table currently references section 4.6, when it should instead reference section 5.8, "Battery Discharge Energy Test". The "Initial time and power (W) of the input current to the connected battery" item on the third line in this table currently references section 4.6, when it should instead reference section 5.6, "Testing Charge Mode and Battery Maintenance Mode." The "Active and Maintenance Mode Energy Consumption" item on the fourth line in this table currently references section 5.8, when it should instead reference section 5.6, "Testing Charge Mode and Battery Maintenance Mode." Therefore, DOE is updating the second, third and fourth items in the "Reference" column of Table 3.1 to state "Section 5.8", "Section 5.6" and "Section 5.6," respectively. Additionally, DOE is removing the current "Value" column from Table 3.1 because the information from this column is being inserted in the column labeled "Name of measured or calculated value" to reduce complexity. DOE is also replacing "0.2 °C" in section 5.8(c)(2) of appendix Y to subpart B of 10 CFR part 430 with "0.2 C" to correct a typographical error. The section covers discharge current during a battery discharge energy test and C-rate ("C") is the correct measurement unit for discharge current.

Additionally, DOE is revising the definition of C-rate in section 2.10 of appendix Y to subpart B of 10 CFR part 430 by adding "(C)" as a unit for C-rate. DOE believes this will further reduce the possibility of any ambiguity associated with interpreting the test procedure. The revised definition reads "C-rate (C) is the rate of charge or discharge, calculated by dividing the charge or discharge current by the rate charge capacity of the battery."

Lastly, DOE is renaming "rated battery voltage", "rated charge capacity" and "rated energy capacity", which are defined at sections 2.19, 2.20 and 2.21 of appendix Y to subpart B of 10 CFR part 430, as "nameplate battery voltage", "nameplate battery charge capacity", and "nameplate battery energy capacity," respectively, throughout the battery charger test procedure codified at appendix Y to subpart B of 10 CFR part 430. The revised names will reduce the possibility of confusion between nameplate values and rated values submitted by manufacturers as part of compliance certification reports.

H. Limiting Other Non-Battery-Charger Functions

DOE received comments from iRobot recommending specific language changes in the current test procedure for battery chargers. First, iRobot recommended that DOE remove the word "optional" from section 4.4(b) of appendix Y to subpart B of 10 CFR part 430 to eliminate ambiguity. Second, iRobot recommended replacing "manual" with "user-accessible" in section 4.4(d) of appendix Y to subpart B of 10 CFR part 430. (iRobot, No. 7, pp. 1–2) DOE notes that the word "optional" in section 4.4(b) of the current test procedure highlights that any additional functionality not associated with battery charging should be turned off prior to testing. As a result, only the battery charging portion of the battery charger is measured during testing. Similarly, while conducting the test procedure for battery chargers, a technician may have the option of turning off a manual switch that is not user-accessible to limit any optional functions that are not associated with the battery charging process. Therefore, replacing the word "manual" with "user-accessible," as recommended by iRobot, would further reduce the avenues available to manufacturers to limit non-battery charger related functions, which would likely result in DOE receiving a number of test procedure waiver inquiries. After careful consideration, DOE is not changing the language recommended by iRobot in section 4.4 of appendix Y to subpart B of 10 CFR part 430.

I. Discharging Lithium Ion Batteries

DOE received comments from NEMA describing the difficulties with discharging lithium ion batteries to the end of the discharge voltages specified in Table 5.2. NEMA explained that some batteries have internal protections that prevent batteries from being discharged to such low levels. NEMA recommended that DOE allow manufacturers to end discharge tests at voltages specified by the manufacturer, which can be higher than those listed in Table 5.2. (NEMA, No. 13, p. 4) DOE understands the need for protective circuitry in certain volatile battery chemistries and has acknowledged the presence of protective circuitry in section 4.5(e) of the current battery chargers test procedure, published at appendix Y to subpart B of 10 CFR part 430. In response to the comment from NEMA, DOE is updating Table 5.2 of appendix Y to subpart B of 10 CFR part 430 to further state that if the presence of protective circuitry in a lithium ion battery prevents the battery from being discharged to the end of the discharge voltage specified, then the manufacturer must discharge the battery to the lowest possible discharge voltage permitted by the protective circuity and report the end of the discharge voltage on the certification report.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget ("OMB") has determined that test procedure rulemakings do not constitute "significant regulatory actions" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs ("OIRA") in OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Fairness Act of 1996) requires preparation of a final regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003 to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

This final rule prescribes amendments to the battery charger test procedure. These amendments update the battery selection criteria for multi-voltage, multi-capacity battery chargers, harmonize the instrumentation resolution and uncertainty requirements with the second edition of the IEC 62301 standard for measuring standby power, define and exclude back-up battery chargers from the testing requirements of this rulemaking, outline provisions for conditioning lead acid batteries, specify sampling and certification requirements for compliance with future energy conservation standards, detail an enforcement testing sampling plan for battery chargers, and correct typographical errors in the current test procedure.

DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and DOE's own procedures and policies published on February 19, 2003. DOE has concluded that this final rule will not have a significant impact on a substantial number of small entities. The factual basis for this certification is as follows.

The Small Business Administration ("SBA") considers a business entity to be a small business, if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR part 121. These size standards and codes are established by the North American Industry Classification System ("NAICS"). The threshold number for NAICS classification code 335999, which applies to "All Other Miscellaneous Electrical Equipment and Component Manufacturing," and includes battery chargers, is 500 employees.

As discussed in the March 2012 NOPR for battery charger energy conservation standards (77 FR 18478), DOE identified one battery charger original device manufacturer that was a small business with domestic manufacturing. Based on manufacturer interviews and DOE's research, DOE believes that almost all battery charger manufacturing takes place abroad.

DOE estimates that this one small business may have to purchase testing equipment and have employees perform tests on covered battery chargers in order to comply with test procedures required from the adopted test procedure. DOE estimates a small business would need to purchase a computer with data acquisition software, battery analyzer, battery analyzer amplifier, power meter, interface cable, and single phase AC power source. DOE estimates this equipment would cost approximately $10,000 to $12,000.

DOE estimated the necessary labor associated with performing the adopted test procedure to a single covered battery charger. DOE estimates that it would likely take between 80 and 115 hours to perform the test procedure on a single model. To get the labor rate of an employee to perform these test DOE used the median hourly wage of an electrical technician, $28.76.[6] DOE adjusted the hourly wage by 23 percent[7] to account for the total fringe benefits, resulting in an estimated total hourly rate of $35.37. Therefore, DOE estimates a total labor burden of between $2,830 and $4,068 to test for each covered product.

DOE estimates that the one small businesses will need to test 41 models to comply with the adopted battery charger test procedure. This means the small business' total labor burden would be between $116,030 and $166,788 to test all their covered battery chargers to the adopted test procedure. Therefore, DOE's total testing burden, labor burden and testing equipment, is estimated at between $126,030 and $178,788.

Therefore, DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities. DOE has submitted a certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

If DOE adopts the energy conservation standards proposed in the September 1, 2016, battery chargers energy conservation standards Supplemental Notice of Proposed Rulemaking (SNOPR), manufacturers of battery chargers will be required to certify that their products comply with those standards. In certifying compliance, manufacturers must test their products according to the applicable DOE test procedure, including any amendments adopted for that test procedure. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, and is finalizing specific requirements for battery chargers in this rule. *See* 10 CFR part 429, subpart B. The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. This information collection was renewed in January 2015 to include certification requirements for battery chargers. 80 FR 5099 (January 30, 2015). Public reporting burden for the certification is estimated to average 30 hours per respondent per year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE amends its test procedure for battery chargers, which will likely be used to develop and implement future energy conservation standards for battery chargers. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this final rule amends the existing test procedure without affecting the amount, quality or distribution of energy usage, and, therefore, would not result in any environment impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

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[6] Taken from the Bureau of Labor Statistics' Occupational Employment and Wages, May 2014 (17–3023 Electrical and Electronics Engineering Technicians). *http://www.bls.gov/oes/current/oes173023.htm.*

[7] This is based on the ratio of total fringe benefits compared to the annual payroll taken from the 2014 Annual Survey of Manufacturers for NAICS code 335999. *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ASM_2014_31GS101&prodType=table.*

E. Review Under Executive Order 13132

Executive Order 13132, "Federalism," 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed "significant intergovernmental mandate," and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. (This policy is also available at *http://energy.gov/gc/office-general-counsel*). DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A "significant energy action" is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the action is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission ("FTC") concerning the impact of the commercial or industry standards on competition.

The final rule incorporates testing methods contained in the following commercial standards: IEC Standard 62301 "Household electrical appliances—Measurement of standby power." DOE has evaluated these testing standards and believes that the IEC standard complies with the requirements of section 32(b) of the Federal Energy Administration Act (*i.e.,* that they were developed in a manner that fully provides for public participation, comment, and review). DOE has, however, consulted with the Attorney General and the Chairwoman of FTC concerning the effect on competition of requiring manufacturers to use the test method in this standard.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 804(2).

N. Description of Material Incorporated by Reference

DOE previously adopted instrumentation resolution and measurement uncertainty requirements for testing battery chargers identical to those in the IEC 62301 standard and codified these requirements at 10 CFR part 430, subpart B, Appendix Y on June 1, 2011. 76 FR 31750. The IEC published Edition 2.0 of IEC 62301 in January 2011, which is available from the American National Standards Institute, 25 W. 43rd Street, 4th Floor, New York, NY 10036 or at *http://webstore.ansi.org/.* This revised version of the testing standard refined the test equipment specifications, measuring techniques, and uncertainty determination to improve the method for measuring loads with high crest factors and/or low power factors, such as the low power modes typical of battery chargers operating in standby mode. These provisions were contained in section 4 of IEC 62301, with informative guidance provided in Annex B and Annex D on measuring low power modes and determining measurement uncertainty. DOE has already incorporated by reference Edition 2.0 of IEC 62301 in 10 CFR part 430 for use with other test procedures, and is now incorporating by reference Edition 2.0 in appendix Y as well.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on May 6, 2016.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE is amending parts 429 and 430 of chapter II of title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Revise § 429.39 to read as follows:

§ 429.39 Battery chargers.

(a) *Determination of represented values.* Manufacturers must determine represented values, which include certified ratings, for each basic model of battery charger in accordance with the following sampling provisions.

(1) *Represented values include:* the unit energy consumption (UEC) in kilowatt-hours per year (kWh/yr), battery discharge energy (E_{batt}) in watt-hours (Wh), 24-hour energy consumption (E_{24}) in watt-hours (Wh), maintenance mode power (P_m) in watts (W), standby mode power (P_{sb}) in watts (W), off mode power (P_{off}) in watts (W), and duration of the charge and maintenance mode test (t_{cd}) in hours (hrs).

(2) *Units to be tested.* (i) The general requirements of § 429.11 are applicable to battery chargers; and

(ii) For each basic model, a sample of sufficient size shall be randomly selected and tested to ensure that the represented value of UEC is greater than or equal to the higher of:

(A) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the UEC of the ith sample or,

(B) The upper 97.5-percent confidence limit (UCL) of the true mean divided by 1.05, where:

$$UCL = \bar{x} + t_{0.975}\left(\frac{s}{\sqrt{n}}\right)$$

and $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.975}$ is the t-statistic for a 97.5-percent one-tailed confidence interval with n-1 degrees of freedom (from appendix A of this subpart).

(3) Using the sample from paragraph (a)(2) of this section, calculate the represented values of each metric (*i.e.,* maintenance mode power (P_m), standby power (P_{sb}), off mode power (P_{off}), battery discharge energy (E_{Batt}), 24-hour energy consumption (E_{24}), and duration of the charge and maintenance mode test (t_{cd})), where:

$$\text{where:} \mathit{Represented\ Value\ Mean} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, is x is the metric, the sample mean; n is the number of samples; and x_i is the measured value of the ith sample for the metric x.

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to battery chargers.

(2) Pursuant to § 429.12(b)(13), a certification report must include the following product-specific information: The nameplate battery voltage of the test battery in volts (V), the nameplate battery charge capacity of the test battery in ampere-hours (Ah), and the nameplate battery energy capacity of the test battery in watt-hours (Wh). A certification report must also include the represented values, as determined in paragraph (a) of this section for the maintenance mode power (P_m), standby mode power (P_{sb}), off mode power (P_{off}), battery discharge energy (E_{batt}), 24-hour energy consumption (E_{24}), duration of the charge and maintenance mode test (t_{cd}), and unit energy consumption (UEC).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following product-specific information: The manufacturer and model of the test battery, and the manufacturer and model, when applicable, of the external power supply.

■ 3. Revise paragraph (e) of § 429.110 to read as follows:

§ 429.110 Enforcement testing.

* * * * *

(e) *Basic model compliance.* DOE will evaluate whether a basic model complies with the applicable energy conservation standard(s) based on testing conducted in accordance with the applicable test procedures specified in parts 430 and 431 of this chapter, and with the following statistical sampling procedures:

(1) For products with applicable energy conservation standard(s) in § 430.32 of this chapter, and commercial prerinse spray valves, illuminated exit signs, traffic signal modules and pedestrian modules, commercial clothes washers, and metal halide lamp ballasts, DOE will use a sample size of not more than 21 units and follow the sampling plans in appendix A of this subpart (Sampling for Enforcement Testing of Covered Consumer Products and Certain High-Volume Commercial Equipment).

(2) For automatic commercial ice makers; commercial refrigerators, freezers, and refrigerator-freezers; refrigerated bottled or canned vending machines; commercial air conditioners and heat pumps; commercial packaged boilers; commercial warm air furnaces; and commercial water heating equipment, DOE will use an initial sample size of not more than four units and follow the sampling plans in appendix B of this subpart (Sampling Plan for Enforcement Testing of Covered Equipment and Certain Low-Volume Covered Products).

(3) If fewer than four units of a basic model are available for testing (under paragraphs (e)(1) or (2) of this section) when the manufacturer receives the notice, then:

(i) DOE will test the available unit(s); or

(ii) If one or more other units of the basic model are expected to become available within 30 calendar days, DOE may instead, at its discretion, test either:

(A) The available unit(s) and one or more of the other units that subsequently become available (up to a maximum of four); or

(B) Up to four of the other units that subsequently become available.

(4) For distribution transformers, DOE will use an initial sample size of not more than five units and follow the sampling plans in appendix C of this subpart (Sampling Plan for Enforcement Testing of Distribution Transformers). If fewer than five units of a basic model are available for testing when the manufacturer receives the test notice, then:

(i) DOE will test the available unit(s); or

(ii) If one or more other units of the basic model are expected to become available within 30 calendar days, DOE may instead, at its discretion, test either:

(A) The available unit(s) and one or more of the other units that subsequently become available (up to a maximum of five); or

(B) Up to five of the other units that subsequently become available.

(5) For pumps, DOE will use an initial sample size of not more than four units and will determine compliance based on the arithmetic mean of the sample.

(6) Notwithstanding paragraphs (e)(1) through (5) of this section, if testing of the available or subsequently available units of a basic model would be impractical, as for example when a basic model has unusual testing requirements or has limited production, DOE may in its discretion decide to base the determination of compliance on the testing of fewer than the otherwise required number of units.

(7) When DOE makes a determination in accordance with paragraph (e)(6) to test less than the number of units specified in paragraphs (e)(1) through (5) of this section, DOE will base the compliance determination on the results of such testing in accordance with appendix B of this subpart (Sampling Plan for Enforcement Testing of Covered Equipment and Certain Low-Volume Covered Products) using a sample size (n_1) equal to the number of units tested.

(8) For the purposes of this section, available units are those that are available for distribution in commerce within the United States.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 4. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 5. In § 430.2 add in alphabetical order the definition of "Back-up battery charger" to read as follows:

§ 430.2 Definitions.

* * * * *

Back-up battery charger means a battery charger excluding UPSs:

(1) That is embedded in a separate end-use product that is designed to continuously operate using mains power (including end-use products that use external power supplies); and

(2) Whose sole purpose is to recharge a battery used to maintain continuity of power in order to provide normal or partial operation of a product in case of input power failure.

* * * * *

§ 430.3 [Amended]

■ 6. In § 430.3, paragraph (p)(5) is amended by removing "and Z of subpart B" and adding in its place ", Y, and Z of subpart B".

■ 7. In § 430.23, revise paragraph (aa) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(aa) *Battery Chargers.* (1) Measure the maintenance mode power, standby power, off mode power, battery discharge energy, 24-hour energy consumption and measured duration of the charge and maintenance mode test for a battery charger in accordance with appendix Y to this subpart.

(2) Calculate the unit energy consumption of a battery charger in accordance with appendix Y to this subpart.

* * * * *

■ 8. Appendix Y to Subpart B of Part 430 is amended by:
■ a. Revising the introductory text to appendix Y;
■ b. Revising section 1, Scope;
■ c. Revising sections 2.10, 2.17, 2.19, 2.20 and 2.21;
■ d. Revising Table 3.1 and section 3.2;
■ e. Revising the undesignated center heading directly above section 4.1. General Setup;
■ f. Revising sections 4.3.b. and 4.3c. and Table 4.1;
■ g. Revising sections 5.1, 5.3.a., 5.3.d., 5.8.c.(2), and Table 5.2; and
■ h. Adding a new section 5.13, Unit Energy Consumption Calculation.

The revisions and additions read as follows:

Appendix Y to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Battery Chargers

Prior to November 16, 2016, manufacturers must make any representations regarding the energy consumption of battery chargers based upon results generated under this appendix or the previous version of this appendix as it appeared in the Code of Federal Regulations on January 1, 2016. On or after November 16, 2016, manufacturers must make any representations regarding the energy consumption of battery chargers based upon results generated under this appendix.

1. Scope

This appendix provides the test requirements used to measure the energy consumption for battery chargers operating at either DC or United States AC line voltage (115V at 60Hz). This appendix does not provide a method for testing back-up battery chargers or uninterruptable power supplies.

2. * * *

2.10. *C-Rate (C)* is the rate of charge or discharge, calculated by dividing the charge or discharge current by the nameplate battery charge capacity of the battery.

* * * * *

2.17. *Multi-voltage charger* is a battery charger that, by design, can charge a variety of batteries (or batches of batteries, if also a batch charger) that are of different nameplate battery voltages. A multi-voltage charger can also be a multi-port charger if it can charge two or more batteries simultaneously with independent voltages and/or current regulation.

* * * * *

2.19. *Nameplate battery voltage* is specified by the battery manufacturer and typically printed on the label of the battery itself. If there are multiple batteries that are connected in series, the nameplate battery voltage of the batteries is the total voltage of the series configuration—that is, the nameplate voltage of each battery multiplied by the number of batteries connected in series. Connecting multiple batteries in parallel does not affect the nameplate battery voltage.

2.20. *Nameplate battery charge capacity* is the capacity, claimed by the battery manufacturer on a label or in instructions, that the battery can store, usually given in ampere-hours (Ah) or milliampere-hours (mAh) and typically printed on the label of the battery itself. If there are multiple batteries that are connected in parallel, the nameplate battery charge capacity of the batteries is the total charge capacity of the parallel configuration, that is, the nameplate charge capacity of each battery multiplied by the number of batteries connected in parallel. Connecting multiple batteries in series does not affect the nameplate charge capacity.

2.21. *Nameplate battery energy capacity* means the product (in watts-hours (Wh)) of the nameplate battery voltage and the nameplate battery charge capacity.

* * * * *

3. * * *

* * * * *

TABLE 3.1—LIST OF MEASURED OR CALCULATED VALUES

Name of measured or calculated value	Reference
1. Duration of the charge and maintenance mode test, t_{cd} (hrs).	Section 5.2.
2. Battery Discharge Energy, E_{Batt} (Wh).	Section 5.8.
3. Initial time and power (W) of the input current of connected battery (A).	Section 5.6.
4. Active and Maintenance Mode Energy Consumption (W, hrs).	Section 5.6.
5. Maintenance Mode Power, P_m (W).	Section 5.9.
6. 24 Hour Energy Consumption, E_{24} (Wh).	Section 5.10.
7. Standby Mode Power, P_{sb} (W).	Section 5.11.
8. Off Mode Power, P_{off} (W)	Section 5.12.
9. Unit Energy Consumption, UEC (kWh/yr).	Section 5.13.

3.2. *Verifying Accuracy and Precision of Measuring Equipment*

Any power measurement equipment utilized for testing must conform to the uncertainty and resolution requirements outlined in section 4, "General conditions for measurements", as well as annexes B, "Notes on the measurement of low power modes", and D, "Determination of uncertainty of measurement", of IEC 62301 (incorporated by reference, see § 430.3).

* * * * *

4. Unit Under Test Setup Requirements

* * * * *

4.3. * * *

b. From the detachable batteries specified above, use Table 4.1 to select the batteries to be used for testing, depending on the type of battery charger being tested. The battery charger types represented by the rows in the table are mutually exclusive. Find the single applicable row for the UUT, and test according to those requirements. Select only the single battery configuration specified for the battery charger type in Table 4.1.

If the battery selection criteria specified in Table 4.1 results in two or more batteries or configurations of batteries of different chemistries, but with equal voltage and capacity ratings, determine the maintenance mode power, as specified in section 5.9, for each of the batteries or configurations of batteries, and select for testing the battery or configuration of batteries with the highest maintenance mode power.

c. A charger is considered as:

(1) Single-capacity if all associated batteries have the same nameplate battery charge capacity (see definition) and, if it is a batch charger, all configurations of the batteries have the same nameplate battery charge capacity.

(2) Multi-capacity if there are associated batteries or configurations of batteries that have different nameplate battery charge capacities.

* * * * *

TABLE 4.1—BATTERY SELECTION FOR TESTING

Type of charger			Battery or configuration of batteries to select (from all configurations of all associated batteries)
Multi-voltage	Multi-port	Multi-capacity	
No	No	No	Any associated battery.
No	No	Yes	Highest charge capacity battery.
No	Yes	Yes or No	Use all ports. Use the maximum number of identical batteries with the highest nameplate battery charge capacity that the charger can accommodate.
Yes	No	No	Highest voltage battery.
Yes	Yes to either or both		Use all ports. Use the battery or configuration of batteries with the highest individual voltage. If multiple batteries meet this criteria, then use the battery or configuration of batteries with the highest total nameplate battery charge capacity at the highest individual voltage.

* * * * *

5. * * *

5.1. *Recording General Data on the UUT*

The technician must record:

(1) The manufacturer and model of the battery charger;

(2) The presence and status of any additional functions unrelated to battery charging;

(3) The manufacturer, model, and number of batteries in the test battery;

(4) The nameplate battery voltage of the test battery;

(5) The nameplate battery charge capacity of the test battery; and

(6) The nameplate battery energy capacity of the test battery.

(7) The settings of the controls, if the battery charger has user controls to select from two or more charge rates.

* * * * *

5.3. * * *

a. No conditioning is to be done on lithium-ion batteries. Proceed directly to battery preparation, section 5.4, when testing chargers for these batteries.

* * * * *

d. Batteries of chemistries, other than lithium-ion, that are known to have been through at least two previous full charge/discharge cycles must only be charged once per step c.(5) of this section.

* * * * *

5.8. * * *

c. * * *

(2) Set the battery analyzer for a constant discharge rate and the end-of-discharge voltage in Table 5.2 of this appendix for the relevant battery chemistry.

* * * * *

5.10. * * *

* * * * *

TABLE 5.2—REQUIRED BATTERY DISCHARGE RATES AND END-OF-DISCHARGE BATTERY VOLTAGES

Battery chemistry	Discharge rate C	End-of-discharge voltage* volts per cell
Valve-Regulated Lead Acid (VRLA)	0.2	1.75
Flooded Lead Acid	0.2	1.70
Nickel Cadmium (NiCd)	0.2	1.0
Nickel Metal Hydride (NiMH)	0.2	1.0
Lithium Ion (Li-Ion)	0.2	2.5
Lithium Polymer	0.2	2.5
Rechargeable Alkaline	0.2	0.9
Nanophosphate Lithium Ion	0.2	2.0
Silver Zinc	0.2	1.2

*If the presence of protective circuitry prevents the battery cells from being discharged to the end-of-discharge voltage specified, then discharge battery cells to the lowest possible voltage permitted by the protective circuitry.

* * * * *

5.13. *Unit Energy Consumption Calculation*

Calculate unit energy consumption (UEC) for a battery charger using one of the two equations (equation (i) or equation (ii)) listed below. If a battery charger is tested and its charge duration as determined in section 5.2 of this appendix minus 5 hours is greater than the threshold charge time listed in table 5.3 below (*i.e.* $(t_{cd} - 5) * n > t_{a\&m}$), use equation (ii) to calculate UEC; otherwise calculate the battery charger's UEC using equation (i).

$$\text{(i) } UEC = 365(n(E_{24} - 5P_m - E_{batt})\frac{24}{t_{cd}} + (P_m(t_{a\&m} - (t_{cd} - 5)n) + (P_{sb}t_{sb}) + (P_{off}t_{off})) \text{ or,}$$

$$\text{(ii) } UEC = 365(n(E_{24} - 5P_m - E_{batt})\frac{24}{(t_{cd}-5)} + (P_{sb}t_{sb}) + (P_{off}t_{off}))$$

Where:

E_{24} = 24-hour energy as determined in section 5.10 of this appendix,

E_{batt} = Measured battery energy as determined in section 5.8 of this appendix,

P_m = Maintenance mode power as determined in section 5.9 of this appendix,

P_{sb} = Standby mode power as determined in section 5.11 of this appendix,

P_{off} = Off mode power as determined in section 5.12 of this appendix,

t_{cd} = Charge test duration as determined in section 5.2 of this appendix, and

$t_{a\&m}$, n, t_{sb}, and t_{off}, are constants used depending upon a device's product class and found in the following table:

TABLE 5.3—BATTERY CHARGER USAGE PROFILES

Product class				Hours per day ***			Charges (n)	Threshold charge time *
No.	Description	Rated battery energy (Ebatt) **	Special characteristic or battery voltage	Active + maintenance ($t_{a\&m}$)	Standby (t_{sb})	Off (t_{off})	Number per day	Hours
1	Low-Energy	≤5 Wh	Inductive Connection ****.	20.66	0.10	0.00	0.15	137.73
2	Low-Energy, Low-Voltage.	<100 Wh	<4 V	7.82	5.29	0.00	0.54	14.48
3	Low-Energy, Medium-Voltage.		4–10 V	6.42	0.30	0.00	0.10	64.20
4	Low-Energy, High-Voltage.		>10 V	16.84	0.91	0.00	0.50	33.68
5	Medium-Energy, Low-Voltage.	100–3000 Wh	<20 V	6.52	1.16	0.00	0.11	59.27
6	Medium-Energy, High-Voltage.		≥20 V	17.15	6.85	0.00	0.34	50.44
7	High-Energy	>3000 Wh		8.14	7.30	0.00	0.32	25.44

* If the duration of the charge test (minus 5 hours) as determined in section 5.2 of appendix Y to subpart B of this part exceeds the threshold charge time, use equation (ii) to calculate UEC otherwise use equation (i).

** E_{batt} = Rated battery energy as determined in 10 CFR part 429.39(a).

*** If the total time does not sum to 24 hours per day, the remaining time is allocated to unplugged time, which means there is 0 power consumption and no changes to the UEC calculation needed.

**** Inductive connection and designed for use in a wet environment (e.g. electric toothbrushes).

[FR Doc. 2016–11486 Filed 5–19–16; 8:45 a.m.]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0006; Directorate Identifier 2013–NM–147–AD; Amendment 39–18519; AD 2016–10–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. This AD was prompted by the results of endurance qualification tests on the trimmable horizontal stabilizer actuator (THSA), which revealed a partial loss of the no-back brake (NBB) efficiency in specific load conditions. This AD requires inspecting certain THSAs to determine the number of total flight cycles the THSA has accumulated, and replacing the THSA if necessary. We are issuing this AD to detect and correct premature wear of the carbon friction disks on the NBB of the THSA. Such a condition could lead to reduced braking efficiency in certain load conditions and, in conjunction with the inability of the power gear train to keep the ball screw in its last commanded position, could result in uncommanded movements of the trimmable horizontal stabilizer (THS) and loss of control of the airplane.

DATES: This AD is effective June 24, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 24, 2016.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0006.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0006; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. The SNPRM published in the **Federal Register** on December 23, 2015 (80 FR 79738) ("the SNPRM"). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on February 3, 2014 (79 FR 6104) ("the NPRM"). The NPRM proposed to require inspecting certain THSAs to determine the number of total flight cycles the THSA has accumulated, and replacing the THSA if necessary. The NPRM was prompted by the results of endurance qualification tests on the THSA, which revealed a partial loss of the NBB efficiency in specific load conditions. The SNPRM proposed to revise the NPRM by adding airplanes to the proposed applicability, reducing the proposed compliance times for replacing affected TSHAs, and revising the definition of a serviceable THSA. We are issuing this AD to detect and correct premature wear of the carbon friction disks on the NBB of the THSA. Such a condition could lead to reduced braking efficiency in certain load conditions and, in conjunction with the inability of the power gear train to keep the ball screw in its last commanded position, could result in uncommanded movements of the THS and loss of control of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0257R1, dated May 29, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition on all Airbus Model A330–200, A330–200 Freighter, A330–300, A340–200, and A340–300 series airplanes; and Model A340–500 and A340–600 series airplanes. The MCAI states:

> During endurance qualification tests on Trimmable Horizontal Stabilizer Actuator (THSA) of another Airbus aeroplane type, a partial loss of the no-back brake (NBB) efficiency was experienced. Due to THSA design similarity on the A330/A340 fleet, a similar partial loss of the NBB efficiency was identified on THSA Part Number (P/N) 47147 as installed on A330–300 and A340–200/–300 aeroplanes, on THSA P/N 47172 as installed on A330–200/–300 and A340–200/–300 aeroplanes, and on THSA P/N 47175 as installed on A340–500/600 aeroplanes.
>
> Investigation results concluded that this partial loss of braking efficiency in some specific aerodynamic load conditions was due to polishing and auto-contamination of the NBB carbon friction disks.
>
> This condition, if not detected and corrected and in conjunction with the power gear train not able to keep the ball screw in its last commanded position, could lead to uncommanded movements of the THS, possibly resulting in loss of control of the aeroplane.
>
> To address this potential unsafe condition, EASA issued AD 2013–0144 [*http://ad.easa.europa.eu/blob/easa_ad_2013_0144.zip/AD_2013-0144R1_2*] to require replacement of each THSA that has exceeded 16,000 flight cycles (FC) in service, to be sent in shop for NBB carbon disk replacement.
>
> Since that AD was issued, a need for clarification has been demonstrated, regarding the identification of the THSA 'affected' by this requirement.
>
> For this reason, EASA AD 2013–0144 [*http://ad.easa.europa.eu/blob/easa_ad_2013_0144.zip/AD_2013-0144R1_2*] was revised, confirming that this AD only affected those THSA identified by Part Number (P/N) in Airbus Alert Operator Transmission (AOT) A27L005–13. In addition, a note was added to make clear that the life limits as specified in the current revision of ALS Part 4 are still relevant for the affected THSA, as applicable to aeroplane model and THSA P/N.
>
> Since EASA AD 2013–0144R1 [*http://ad.easa.europa.eu/ad/2013-0144R1*] was issued, further assessment of the ageing/endurance issue has resulted in the conclusion that there is a need to replace the NBB installed on the THSA.
>
> Consequently, EASA issued AD 2014–0257 [*http://ad.easa.europa.eu/blob/EASA_AD_2014_0257_R1.pdf/AD_2014-0257R1_1*] which retained the requirements of EASA AD 2013–0144R1, which was superseded, and required removal from service of affected THSA. THSA should be sent in shop for NBB carbon disk replacement. This [EASA] AD affected additional THSA P/Ns when compared to EASA AD 2013–0144R1 and Airbus AOT A27L005–13.
>
> Since that [EASA] AD was issued, it was determined that it is necessary to consider that the THSA removal for NBB disks replacement could also be calculated since last NBB disk replacement which was done in-shop.

This AD also adds Model A340–541 and A340–642 airplanes to the applicability. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0006.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the SNPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the SNPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information, all dated July 15, 2014.

- Service Bulletin A330–27–3199 (for Model A330 series airplanes);
- Service Bulletin A340–27–4190 (for Model A340–200 and –300 series airplanes); and
- Service Bulletin A340–27–5062 (for Model A340–500 and –600 series airplanes).

The service information describes procedures for inspecting the THSA to determine the part number and replacing THSAs having certain part numbers with a new or serviceable part. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 94 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	3 work-hours × $85 per hour = $255	$0	$255	$23,970

We estimate the following costs to do any necessary replacements that will be required based on the results of the required inspection. We have no way of determining the number of airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	23 work-hour × $85 per hour = $1,955	$722,556	$724,511

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–10–08 Airbus: Amendment 39–18519. Docket No. FAA–2014–0006; Directorate Identifier 2013–NM–147–AD.

(a) Effective Date

This AD is effective June 24, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes, certificated in any category, identified in paragraphs (c)(1) through (c)(7) of this AD, all manufacturer serial numbers.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.
(2) Model A330–223F and –243F airplanes.
(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.
(4) Model A340–211, –212, and –213 airplanes.
(5) Model A340–311, –312, and –313 airplanes.
(6) Model A340–541 airplanes.
(7) Model A340–642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Reason

This AD was prompted by the results of endurance qualification tests on the trimmable horizontal stabilizer actuator (THSA), which revealed a partial loss of the no-back brake (NBB) efficiency in specific load conditions. We are issuing this AD to detect and correct premature wear of the carbon friction disks on the NBB of the THSA. Such a condition could lead to reduced braking efficiency in certain load conditions and, in conjunction with the inability of the power gear train to keep the ball screw in its last commanded position, could result in uncommanded movements of the trimmable horizontal stabilizer and loss of control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspection To Determine THSA Part Number and Accumulated Total Flight Cycles

Within 90 days after the effective date of this AD: Inspect the THSA to determine if it has a part number that is specified in paragraph (g)(1) or (g)(2) of this AD, and to determine the total number of flight cycles accumulated since the THSA's first installation on an airplane, or since the most recent NBB replacement. A review of airplane delivery or maintenance records is acceptable in lieu of this inspection if the part number of the THSA can be conclusively determined from that review.

(1) For Model A330–200 Freighter, A330–200, A330–300, A340–200 and A340–300 series airplanes: Part number (P/N) 47147–500, 47147–700, 47172–300, 47172–500, 47172–510, or 47172–520.

(2) For Model A340–500 and –600 series airplanes: P/N 47175–200, 47175–300, 47175–500, or 47175–520.

(h) THSA Replacement for Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 Series Airplanes

For Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 series airplanes having a THSA with a part number specified in paragraph (g)(1) of this AD: At the applicable time specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, replace each affected THSA with a serviceable THSA, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–27–3199, dated July 15, 2014; or Airbus Service Bulletin A340–27–4190, dated July 15, 2014; as applicable.

Note 1 to paragraphs (h), (i), and (j) of this AD: The THSA life limits specified in Part 4—Aging System Maintenance of the Airbus A330 and A340 Airworthiness Limitations Sections are still relevant, as applicable to airplane model and THSA part number.

(1) For a THSA that has accumulated or exceeded 20,000 total flight cycles since the THSA's first installation on an airplane, or since the most recent NBB replacement, whichever is later, as of the effective date of this AD: Within 6 months after the effective date of this AD.

(2) For a THSA that has accumulated or exceeded 16,000 total flight cycles, but less than 20,000 total flight cycles since the THSA's first installation on an airplane, or since the most recent NBB replacement, whichever is later, as of the effective date of this AD: At the applicable time specified in paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) For Model A330–200 Freighter, A330–200, and A330–300 series airplanes: Within 12 months after the effective date of this AD but without exceeding 20,000 total flight cycles.

(ii) For Model A340–200, and A340–300 series airplanes: Within 12 months after the effective date of this AD but without exceeding 20,000 total flight cycles.

(3) For a THSA that has accumulated less than 16,000 total flight cycles since first installation on an airplane, or since the most recent NBB replacement, whichever is later, as of the effective date of this AD: At the applicable time specified in paragraph (i) of this AD.

(i) Replacement Times for Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 Series Airplanes With THSAs Having Less Than 16,000 Total Flight Cycles as of the Effective Date of This AD

The requirements of this paragraph apply to Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, and A340–300 series airplanes having a THSA with a part number specified in paragraph (g)(1) of this AD that has accumulated less than 16,000 total flight cycles since first installation on an airplane, or since the most recent NBB replacement, whichever is later, as of the effective date of this AD. Not later than the date specified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD, as applicable: For any THSA having reached or exceeded on that date the corresponding number of total flight cycles as specified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD, as applicable, replace the THSA with a serviceable unit, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–27–3199, dated July 15, 2014; or Airbus Service Bulletin A340–27–4190, dated July 15, 2014; as applicable.

(1) As of 12 months after the effective date of this AD: The THSA flight-cycle limit (since first installation on an airplane, or since last NBB replacement, whichever occurs later) is 16,000 total flight cycles.

(2) As of July 31, 2017: The THSA flight-cycle limit (since first installation on an airplane, or since last NBB replacement, whichever occurs later) is 14,000 total flight cycles.

(3) As of July 31, 2018: The THSA flight-cycle limit (since first installation on an airplane, or since last NBB replacement, whichever occurs later) is 12,000 total flight cycles.

(j) THSA Replacement for Airbus Model A340–500 and –600 Series Airplanes

For Airbus Model A340–500 and A340–600 series airplanes having a THSA with a part number specified in paragraph (g)(2) of this AD: Not later than the date specified in paragraphs (j)(1), (j)(2), (j)(3), and (j)(4) of this AD, as applicable, for any THSA having reached or exceeded on that date the corresponding number of total flight cycles as specified in paragraphs (j)(1), (j)(2), (j)(3), and (j)(4) of this AD, as applicable, replace each affected THSA with a serviceable THSA, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A340–27–5062, dated July 15, 2014.

(1) As of the effective date of this AD: The THSA flight-cycle limit (since first installation on an airplane, or since last NBB replacement, whichever occurs later) is 6,000 total flight cycles.

(2) As of April 30, 2017: The THSA flight-cycle limit (since first installation on an airplane, or since last NBB replacement, whichever occurs later) is 5,200 total flight cycles.

(3) As of April 30, 2018: The THSA flight-cycle limit (since first installation on an airplane, or since last NBB replacement, whichever occurs later) is 4,400 total flight cycles.

(4) As of April 30, 2019: The THSA flight-cycle limit (since first installation on an airplane, or since last NBB replacement, whichever occurs later) is 3,500 total flight cycles.

(k) THSA Replacement Intervals for All Airbus Airplanes Identified in Paragraph (c) of This AD

For any part installed, as required by this AD, having a part number identified in paragraph (g)(1) or (g)(2) of this AD: From the dates specified in paragraphs (i) and (j) of this AD, as applicable, and prior to exceeding the accumulated number of total flight cycles corresponding to each time, replace each affected THSA with a serviceable part, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (k)(1), (k)(2), and (k)(3) of this AD.

(1) Airbus Service Bulletin A330–27–3199, dated July 15, 2014.

(2) Airbus Service Bulletin A340–27–4190, dated July 15, 2014.

(3) Airbus Service Bulletin A340–27–5062, dated July 15, 2014.

(l) Definition of Serviceable THSA

For the purposes of this AD, a serviceable THSA is a THSA:

(1) Having a part number identified in paragraph (g)(1) or (g)(2) of this AD that has not exceeded any of the total accumulated flight cycles identified in paragraphs (i)(1) through (i)(3) of this AD, or paragraphs (j)(1) through (j)(4) of this AD, as applicable; or

(2) Having a part number that is not identified in paragraph (g)(1) or (g)(2) of this AD.

(m) Parts Installation Limitation

From each date specified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD, and paragraphs (j)(1) through (j)(4) of this AD, as applicable, a THSA having a part number identified in paragraph (g)(1) or (g)(2) of this AD may be installed on any airplane, provided the THSA has not exceeded the corresponding number of accumulated total flight cycles.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425-227-1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can

be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(o) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0257R1, dated May 29, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0006.

(p) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A330-27-3199, dated July 15, 2014.

(ii) Airbus Service Bulletin A340–27–4190, dated July 15, 2014.

(iii) Airbus Service Bulletin A340–27–5062, dated July 15, 2014.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com;* Internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on May 9, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–11575 Filed 5–19–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–6548; Directorate Identifier 2015–NM–114–AD; Amendment 39–18520; AD 2016–10–09]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 and 787–9 airplanes equipped with General Electric engines. This AD was prompted by reports of cracking in barrel nuts on a forward engine mount of Model 747–8 airplanes, which shares a similar design to the forward engine mount of Model 787–8 and 787–9 airplanes. This AD requires, for certain airplanes, replacement of the four barrel nuts of the forward engine mount on each engine. For certain other airplanes, this AD requires an inspection to determine if any forward engine mount barrel nut having a certain part number is installed; and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct cracking of the forward engine mount barrel nuts. Such cracking could result in reduced load capacity of the forward engine mount and could result in separation of an engine from the airplane and consequent loss of control of the airplane.

DATES: This AD is effective June 24, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 24, 2016.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone: 206–544–5000, extension 1; fax: 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–6548.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–6548; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Allen Rauschendorfer, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6487; fax: 425–917–6590; email: *allen.rauschendorfer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8 and 787–9 airplanes equipped with General Electric engines. The NPRM published in the **Federal Register** on December 11, 2015 (80 FR 76878) (“the NPRM”). The NPRM was prompted by reports of cracking in barrel nuts on a forward engine mount of Model 747–8 airplanes, which shares a similar design to the forward engine mount of Model 787–8 and 787–9 airplanes. The NPRM proposed to require, for certain airplanes, replacement of the four barrel nuts of the forward engine mount on each engine. For certain other airplanes, the NPRM proposed to require an inspection to determine if any forward engine mount barrel nut having a certain part number is installed; and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct cracking of the forward engine mount barrel nuts. Such cracking could result in reduced load capacity of the forward engine mount and could result in separation of an engine from the airplane and consequent loss of control of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM and the FAA’s response to the comment.

Request To Revise the Compliance Time

United Airlines requested that the compliance time in the NPRM for Group 1 airplanes be changed from 2 years to “at next engine change.” United considered the proposed compliance time to be “expedited” because it took Boeing 7 months to publish the service information operators would be required to use to comply with the requirements in the NPRM, and it took the FAA 6 months to publish the NPRM. The commenter reasoned that since it took over 1 year from the time a solution for the unsafe condition was identified to the publication of the NPRM, the timeline for completing the corrective action is not critical and could be accomplished at the next scheduled engine change. United Airlines explained that allowing operators to replace the forward barrel nuts at the next engine change would reduce the cost of compliance to zero and would not add additional burden to operators.

We do not agree with the commenter's request. In developing an appropriate compliance time for this action we considered not only the degree of urgency associated with addressing the subject unsafe condition, but the manufacturer's recommendation for an appropriate compliance time, the time required for the rulemaking process, and the practical aspect of doing the required replacement within an interval of time that corresponds to the typical scheduled maintenance for the majority of affected operators. However, under the provisions of paragraph (j) of this AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. We have not changed the AD in this regard.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015. The service information describes procedures for replacing the forward engine mount barrel nuts with new, improved barrel nuts; doing an inspection to determine if barrel nuts having a certain part number are installed on the forward engine mount; and doing related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Costs of Compliance

We estimate that this AD affects 36 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement (2 engines)	29 work-hours × $85 per hour = $2,465 for 2 engines.	$1,988 per engine × 2 engines = $3,976.	$6,441	$64,410 (10 airplanes).
Inspection for part number using maintenance records (2 engines).	1 work-hour × $85 per hour = $85 for 2 engines.	$0	85	$2,210 (26 airplanes).

We estimate the following costs to do any related investigative actions required based on the results of the inspection. We have no way of determining the number of aircraft that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspection (2 engines)	9 work-hours × $85 per hour = $765 for 2 engines	$0	$765

We have received no definitive data that will enable us to provide cost estimates for the on-condition corrective actions specified in this AD.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2016–10–09 The Boeing Company: Amendment 39–18520; Docket No. FAA–2015–6548; Directorate Identifier 2015–NM–114–AD.

(a) Effective Date

This AD is effective June 24, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, equipped with General Electric GEnx-1B engines, as identified in Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Unsafe Condition

This AD was prompted by reports of cracking in barrel nuts on a forward engine mount of Model 747–8 airplanes, which shares a similar design to the forward engine mount of Model 787–8 and 787–9 airplanes. We are issuing this AD to detect and correct cracking of the forward engine mount barrel nuts. Such cracking could result in reduced load capacity of the forward engine mount, and could result in separation of an engine from the airplane, and consequent loss of control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Replacement Barrel Nuts

For Group 1 airplanes as identified in Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015: Except as provided by paragraph (i)(1) of this AD, at the time specified in paragraph 5., "Compliance," of Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015, replace the existing forward engine mount barrel nuts on each engine, in accordance with the Accomplishment Instructions of Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015.

(h) Part Number Inspection for Installed Barrel Nuts

For Group 2 airplanes as identified in Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015: Except as provided by paragraph (i)(1) of this AD, at the time specified in paragraph 5. "Compliance," of Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015, review the aircraft maintenance records to determine if the airplane engine has been removed, installed, or replaced, in accordance with the Accomplishment Instructions of Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015. If the maintenance records indicate that a barrel nut having part number SL4081C14SP1 is installed, or if the part number of an installed barrel nut cannot be determined, before further flight, do the related investigative and applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015.

(i) Exception to Service Information

(1) Where Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015, specifies a compliance time "after the Issue 001 date on this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015, specifies to contact Boeing for repair instructions: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane and the approval must specifically refer to this AD.

(4) Except as required by paragraph (i)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

For more information about this AD, contact Allen Rauschendorfer, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6487; fax: 425–917–6590; email: *allen.rauschendorfer@faa.gov.*

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Service Bulletin B787–81205–SB710026–00, Issue 001, dated June 10, 2015.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone: 206–544–5000, extension 1; fax: 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on May 9, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–11683 Filed 5–19–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–3108; Airspace Docket No. 15–ASO–16]

Establishment of Class E Airspace; Harlan, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E Airspace at Harlan, KY, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) serving Tucker-Guthrie Memorial Airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport.

DATES: Effective 0901 UTC, July 21, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/airtraffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Tucker-Guthrie Memorial Airport, Harlan, KY.

History

On March 3, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace extending upward from 700 feet above the earth at Tucker-Guthrie Memorial Airport, Harlan, KY. (81 FR 11139). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found an error in the geographic coordinates of Tucker-Guthrie Memorial Airport. This action corrects that error.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 13-mile radius of Tucker-Guthrie Memorial Airport, Harlan, KY, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for Tucker-Guthrie Memorial Airport. Controlled airspace is necessary for IFR operations. This action also updates the geographic coordinates of the airport to be in concert with the FAAs aeronautical database.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO KY E Harlan, KY [New]

Tucker-Guthrie Memorial Airport, KY
(Lat. 36°51′34″ N., long. 83°21′31″ W.)

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Tucker-Guthrie Memorial Airport.

Issued in College Park, Georgia, on May 10, 2016.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2016–11815 Filed 5–19–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–0735; Airspace Docket No. 16–ASO–2]

Amendment of Class D and Class E Airspace for the following Tennessee Towns; Jackson, TN; Tri-Cities, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects final rule published in the **Federal Register** of March 29, 2016, amending Class E Airspace designated as an extension at McKellar-Sipes Regional Airport, Jackson, TN, and Tri-Cities Regional Airport, Tri-Cities, TN. This action corrects the geographic coordinates for McKellar-Sipes Regional Airport. Also, the geographic coordinates for McKellar-Sipes Regional Airport in Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface, are updated to coincide with the FAA's aeronautical database. The airport name also is corrected in the Class E 700 feet airspace area. Additionally, Class D Airspace is added to the title.

DATES: Effective 0901 UTC, May 26, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

The **Federal Register** published a final rule amending Class E airspace designated as an extension at McKellar-Sipes Regional Airport, Jackson, TN, and Tri-Cities Regional Airport, Tri-Cities, TN. (81 FR 17376, March 29, 2016) Docket No. FAA–2016–0735. Further review by the FAA revealed the geographic coordinates for McKellar-Sipes Regional Airport, Jackson, TN, required updating. For consistency, the geographic coordinates for the airport are also amended in Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface.

Class D and Class E airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. Availability information for FAA Order 7400.9Z can be found in the original final rule (81 FR 17376, March 29, 2016). FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of March 29, 2016 (81 FR 17376) FR Doc. 2016–06993, Amendment of Class E Airspace for the following Tennessee Towns: Jackson, TN ; Tri-Cities, TN, is corrected as follows:

§ 71.1 [Amended]

■ On page 17376, column 3, line 13, after "Amendment of" add the words "Class D Airspace and . . ."

■ On page 17377, column 3, line 23, remove, "(Lat. 35°35′59″ N., long. 88°54′56″ W.)", and add in its place, "(Lat. 35°36′00″ N., long. 88°54′56″ W.)" On page 17377, column 3, after line 39, add the following text:

Paragraph 5000 Class D Airspace.

* * * * *

ASO TN D Jackson, TN [Corrected]

McKellar-Sipes Regional Airport, TN
(Lat. 35°36′00″ N., long. 88°54′56″ W.)

That airspace extending upward from the surface to and including 2900 feet MSL within a 4.2-mile radius of McKellar-Sipes Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

ASO TN E2 Jackson, TN [Corrected]

McKellar-Sipes Regional Airport, TN
(Lat. 35°36′00″ N., long. 88°54′56″ W.)

Within a 4.2-mile radius of McKellar-Sipes Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO TN E5 Jackson, TN [Corrected]

McKellar-Sipes Regional Airport, TN
(Lat. 35°36′00″ N., long. 88°54′56″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McKellar-Sipes Regional Airport.

Issued in College Park, Georgia, on May 10, 2016.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2016–11818 Filed 5–19–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 725

RIN 1240–AA10

Black Lung Benefits Act: Disclosure of Medical Evidence and Payment of Benefits; Technical Amendment

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Final rule.

SUMMARY: The Office of Workers' Compensation Programs is making a technical amendment to its regulation on disclosure of medical information to reflect the Office of Management and Budget's approval under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–20, of the information collection requirements contained in that regulation.

DATES: This rule is effective May 26, 2016.

FOR FURTHER INFORMATION CONTACT: Michael Chance, Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, 200 Constitution Avenue NW., Suite N–3520, Washington, DC 20210. Telephone: 1–800–347–2502. This is a toll-free number. TTY/TDD callers may dial toll-free 1–800–877–8339 for further information.

SUPPLEMENTARY INFORMATION:

I. Background of This Rulemaking

On April 26, 2016, OWCP published a final rule, titled Black Lung Benefits Act: Disclosure of Medical Evidence and Payment of Benefits, to address certain procedural issues that had arisen in claim adjudications and other technical issues. 81 FR 24464 (April 26, 2016). Section 725.413 requires parties to exchange certain medical information, and therefore could be considered a collection of information within the meaning of the PRA. Federal agencies may not conduct or sponsor a collection of information, and the public is not required to respond to a collection of information, unless it is approved by the Office of Management and Budget (OMB) and displays a valid OMB control number. *See* 5 CFR 1320.5(a), (b), 1320.6. Accordingly, the Department submitted an Information Collection Request (ICR) to OMB for approval when it proposed the rule. *See* ICR Reference Number 201504–1240–002. The notice of proposed rulemaking specifically invited comments regarding the information collection and notified the public of their opportunity to file comments with both OMB and the Department. 80 FR 23749 (April 29, 2015). On July 24, 2015, OMB concluded its review of the ICR by asking the Department to submit another ICR at the final rule stage after considering any public comments regarding the information collection requirements in the rule.

The Department received comments on the substance of proposed § 725.413; those comments are fully addressed in the final rule. 81 FR 24469–74. The Department received no comments about the information collection burdens. The Department submitted an ICR to OMB for the information collection in the final rule on March 16, 2016, *see* ICR Reference Number 201511–1240–003, and specified in the final rule that it would publish a notice in the **Federal Register** to announce the result of OMB's review. 81 FR 24477. On May 3, 2016, OMB approved the Department's information collection request under Control Number 1240–0054, thus giving effect to the information collection requirements contained in the final rule. OMB authorization for this information collection currently expires on May 31, 2019. The Department is making this technical amendment to comply with the notice requirements of 5 CFR 1320.5(b).

II. Statutory Authority

Sections 411(b), 422(a), and 426(a) of the Black Lung Benefits Act (30 U.S.C. 921(b), 932(a), and 936(a)) authorize the Secretary of Labor to prescribe rules and regulations necessary for its administration and enforcement.

III. Rulemaking Analyses

Administrative Procedure Act

Section 553(b)(3) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3), provides that an agency is not required to publish a notice of proposed rulemaking in the **Federal Register** and solicit public comments when the agency has good cause to find that doing so would be "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b)(3). The Department has determined that publishing a separate notice of proposed rulemaking for this technical amendment to 20 CFR 725.413 is unnecessary. The information collection requirements whose approval this technical amendment announces were previously published in the April 29, 2015, notice of proposed rulemaking. 80 FR 23749. The Department invited public comment on both the substance of the regulatory revisions and the information collection burden they may impose. *Id.* OMB approved this information collection after consideration of the comments received. Thus, publishing an additional notice of proposed rulemaking for this collection would be duplicative and is unnecessary.

Section 553(d) of the APA, 5 U.S.C. 553(d), provides that substantive rules should take effect not less than 30 days after the date they are published in the **Federal Register** unless "otherwise provided by the agency for good cause found[.]" 5 U.S.C. 553(d)(3). This technical amendment does not change the substance of § 725.413 and instead merely confirms that OMB has approved the information collection contained in that regulation. For this reason, the Department finds good cause to make this technical amendment effective on the same date as the final rule, May 26, 2016. 81 FR 24465.

Regulatory Flexibility Act

This rule is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it is not subject to the APA's proposed rulemaking requirements.

Unfunded Mandates Reform Act

This rule is not subject to sections 202 or 205 of the Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) because it is not subject to the APA's proposed rulemaking requirements. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate as described in sections 203 and 204 of the UMRA.

Paperwork Reduction Act

This rule announces OMB's approval of the information collection contained in the final rule published on April 26, 2016, at 81 FR 24464. It does not impose any new information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Executive Order 12866

This rule is not a "significant regulatory action" and is therefore not subject to review by OMB under Executive Order 12866 (58 FR 51735).

Executive Order 13132 (Federalism)

The Department has reviewed this rule in accordance with Executive Order 13132 (64 FR 43255) regarding federalism, and has determined that it does not have "federalism implications." The rule will not "have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform (61 FR 4729), to minimize litigation, eliminate ambiguity, and reduce burden.

List of Subjects in 20 CFR Part 725

Administrative practice and procedure, Black lung benefits, Claims, Coal miners' entitlement to benefits, Health care, Reporting and recordkeeping requirements, Survivors' entitlement to benefits, Total disability due to pneumoconiosis, Workers' compensation.

For the reasons set forth in the preamble, the Department of Labor amends 20 CFR part 725 as follows:

PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED

■ 1. The authority citation for part 725 continues to read as follows:

Authority: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174; 30 U.S.C. 901 *et seq.*, 902(f), 934, 936; 33 U.S.C. 901 *et seq.*; 42 U.S.C. 405; Secretary's Order 10–2009, 74 FR 58834.

■ 2. Add a parenthetical statement to § 725.413 to read as follows:

§ 725.413 Disclosure of medical information.

* * * * *

(The Office of Management and Budget has approved the information collection contained in this section and assigned control number 1240–0054 with an expiration date of May 31, 2019.)

Signed at Washington, DC, this 12th day of May, 2016.

Leonard J. Howie, III,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2016–11840 Filed 5–19–16; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1904 and 1902

[Docket No. OSHA–2013–0023]

RIN 1218–AC49

Improve Tracking of Workplace Injuries and Illnesses; Correction

AGENCY: Occupational Safety and Health Administration (OSHA), DOL.

ACTION: Final rule; correction.

SUMMARY: OSHA published in the **Federal Register** of May 12, 2016, a final rule revising its Recording and Reporting Occupational Injuries and Illnesses Regulation. In the rule, a paragraph was inadvertently removed. This document reinserts that paragraph.

DATES: *Effective:* August 10, 2016.

FOR FURTHER INFORMATION CONTACT: For press inquiries: Frank Meilinger, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email: *meilinger.francis2@dol.gov.*

For general and technical information: Miriam Schoenbaum, Office of Statistical Analysis, Room N–3507, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202)693–1841; email: *schoenbaum.miriam@dol.gov.*

SUPPLEMENTARY INFORMATION: OSHA published in the **Federal Register** of May 12, 2016, a final rule revising its Recording and Reporting Occupational Injuries and Illnesses regulation (92 FR 29624).

This document was prepared under the direction of David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under Sections 8 and 24 of the Occupational Safety and Health Act (29 U.S.C. 657, 673), Section 553 of the Administrative Procedure Act (5 U.S.C. 553), and Secretary of Labor's Order No. 41–2012 (77 FR 3912 (Jan. 25, 2012)).

Need for Correction

Inadvertently § 1904.35(b)(2) was designated as reserved. This document reinserts that paragraph.

In FR Rule Doc. No. 2016–10443 beginning on page 29624 in the issue of May 12, 2016, make the following correction:

On page 29692, in the first column, after the second paragraph, remove "(2) [Reserved]." and add the following in its place:

"(2) *Do I have to give my employees and their representatives access to the OSHA injury and illness records?* Yes, your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed below.

(i) *Who is an authorized employee representative?* An authorized employee representative is an authorized collective bargaining agent of employees.

(ii) *Who is a "personal representative" of an employee or former employee?* A personal representative is:

(A) Any person that the employee or former employee designates as such, in writing; or

(B) The legal representative of a deceased or legally incapacitated employee or former employee.

(iii) *If an employee or representative asks for access to the OSHA 300 Log, when do I have to provide it?* When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

(iv) *May I remove the names of the employees or any other information from the OSHA 300 Log before I give copies to an employee, former employee, or employee representative?* No, you must leave the names on the 300 Log. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases," as specified in § 1904.29(b)(6) through (9).

(v) *If an employee or representative asks for access to the OSHA 301 Incident Report, when do I have to provide it?* (A) When an employee, former employee, or personal representative asks for a copy of the OSHA 301 Incident Report describing an injury or illness to that employee or former employee, you must give the requester a copy of the OSHA 301 Incident Report containing that information by the end of the next business day.

(B) When an authorized employee representative asks for copies of the OSHA 301 Incident Reports for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days. You are only required to give the authorized employee representative information from the OSHA 301 Incident Report section titled "Tell us about the case." You must remove all other information from the copy of the OSHA 301 Incident Report or the equivalent substitute form that you give to the authorized employee representative.

(vi) *May I charge for the copies?* No, you may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records."

Signed at Washington, DC, on May 13, 2016.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2016–11817 Filed 5–19–16; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2015–0100]

RIN 1625–AA08

Special Local Regulations, Recurring Marine Events in Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is adding, deleting, and modifying special local regulations for annual marine events in the Sector Long Island Sound Captain of the Port (COTP) Zone. When enforced, these regulated areas would restrict vessels from portions of water areas during certain annually recurring events. The special local regulations are intended to expedite public notification and ensure the protection of the maritime public and event participants from the hazards associated with certain maritime events.

DATES: This rule is effective June 20, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2015–0100 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Petty Officer Ian M. Fallon, U.S. Coast Guard Waterways Management Division Sector Long Island Sound; telephone (203) 468–4565, or email *Ian.M.Fallon@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
DHS	Department of Homeland Security
NPRM	Notice of proposed rulemaking
Pub. L.	Public Law
§	Section
U.S.C.	United States Code

II. Background Information and Regulatory History

On June 23, 2015, the Coast Guard published an NPRM titled "Special Local Regulations, Recurring Marine Events in Captain of the Port Long Island Sound Zone" (80 FR 35892). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to making changes to 33 CFR 100.100 "Special Local Regulations; Regatta and Boat Races in the Coast Guard Sector Long Island Sound Captain of the Port Zone." During the comment period that ended July 23, 2015, we received no comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. This regulation carries out two related actions: (1) Establishing necessary special local regulations; and (2) updating and reorganizing existing regulations for ease of use and reduction of administrative overhead.

IV. Discussion of Comments, Changes, and the Rule

The Coast Guard is to amend 33 CFR 100.100 "Special Local Regulations; Regattas and Boat Races in the Coast Guard Sector Long Island Sound Captain of the Port Zone" by establishing sixteen permanent marine events regulated areas, removing five previously regulated areas, and modifying three marine event special local regulations. This rulemaking limits the unnecessary burden of establishing temporary rules for events that occur on an annual basis.

(1) Establishing New Marine Event Regulated Areas

This rule establishes sixteen permanent marine event special local regulations under 33 CFR 100.100. These events include fireworks displays, swimming events, and regattas that take place throughout the Long Island Sound COTP Zone. Event locations and details are listed below in the text of the regulation. Because large numbers of spectator vessels are expected to congregate around the location of these events, these regulated areas are needed to protect both spectators and participants from the safety hazards associated with marine events, including large numbers of swimmers, hard to see and unstable small boats, unexpected pyrotechnics detonation, and burning debris. This rule permanently establishes regulated areas that restrict vessel movement around the location of each marine event to reduce the associated hazards.

During the enforcement period of the regulated areas, persons and vessels would be prohibited from entering, transiting through, remaining, anchoring, or mooring within the regulated area unless specifically authorized by the COTP or the designated representative. Persons and vessels would be able to request authorization to enter, transit through, remain, anchor, or moor within the regulated areas by contacting the COTP Sector Long Island Sound, or designated representative, by telephone at (203) 468–4401 or via VHF radio on channel 16. If authorization to enter, transit through, remain, anchor, or moor within any of the regulated areas is granted, all persons and vessels receiving authorization would be required to comply with the instructions of the COTP or designated representative.

The Coast Guard COTP Sector Long Island Sound or designated representative will enforce the regulated areas. These designated representatives are comprised of commissioned, warrant, and petty officers of the Coast Guard. The Coast Guard may be assisted by other federal, state and local agencies in the enforcement of these regulated areas.

Certain special local regulations are listed without known dates or times. Coast Guard Sector Long Island Sound will cause notice of the enforcement of these regulated areas to be made by all appropriate means to affect the widest publicity among the effected segments of the public, including publication in the **Federal Register** as a Notice of Enforcement, Local Notice to Mariners, and Broadcast Notice to Mariners.

(2) Remove Old Special Local Regulations That Are no Longer Needed

This rule removes five special local regulations from the TABLE to § 100.100: (1) 1.3 Head of the Connecticut Regatta, Connecticut River, CT as the event has not been held since 2012 and the sponsoring organization, the City of Middletown, has confirmed that they do not intend to hold the event again in the foreseeable future; (2) 1.4

Riverfront Regatta, Hartford, CT as the event's details have significantly changed and is no longer the same event; (3) 1.5 Patchogue Grand Prix, Patchogue, NY as the event has not been held since 2010 and the sponsoring organization, Offshore Powerboat Association, has confirmed that they do not intend to hold the event again in the foreseeable future; (4) 1.6 Riverfront U.S. Title series Powerboat Race, Hartford, CT as the event has not been held since 2011 and the sponsoring organization, Riverfront Recaptured, has confirmed that they do not intend to hold the event again in the foreseeable future; and (5) 1.8 Kayak for a Cause Regatta as the event has not been held since 2012 and the sponsoring organization, Kayak for a Cause, has disbanded.

(3) Modify and Update Existing Regulated Areas.

This rule amends the following special local regulations from the TABLE to § 100.100: (1) 1.1 Harvard-Yale Regatta, Thames River, New London, CT will be moved to 5.1 on the *Table to § 100.100;* (2) 1.2 Great Connecticut River Raft Race, Middletown will be moved to 7.1 on the *Table to § 100.100* and the name changed to Connecticut River Raft Race, Middletown, CT; and (3) 1.7 Hartford Dragon Boat Regatta will be moved to 8.1 on the *Table to § 100.100* and the name changed to the Riverfront Dragon Boat and Asian Festival.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

The Coast Guard determined that this rulemaking is not a significant regulatory action for the following reasons: The regulated areas are of limited duration and vessels may transit the navigable waterways outside of the regulated areas; and persons or vessels requiring entry into the regulated areas may be authorized to do so by the COTP Sector Long Island Sound or designated representative. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit these regulated areas may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishing sixteen permanent marine events regulated areas, removing five previously regulated areas, and modifying three marine event special local regulations. It is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recording requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. In § 100.100, revise the "Table to § 100.100" to read as follows:

§ 100.100 Special Local Regulations; Regattas and Boat Races in the Coast Guard Sector Long Island Sound Captain of the Port Zone.

* * * * *

TABLE TO § 100.100

5	May
5.1 Harvard-Yale Regatta, Thames River, New London, CT	• Date: A single day between the last Saturday in May through second Saturday of June. • Rain Date: A single day between the last Saturday in May through second Saturday of June. • Time: 8 a.m. until 5 p.m. • Location: All waters of the Thames River at New London, Connecticut, between the Penn Central Draw Bridge at position 41°21′46.94″ N. 072°05′14.46″ W. to Bartlett Cove at position 41°25′35.9″ N. 072°05′42.89″ W. (NAD 83). All positions are approximate.
5.2 Jones Beach Air Show	• Date: The Thursday through Sunday before Memorial Day each May. • Time: (1) The "No Entry Area" will be enforced each day from the start of the air show until 30 minutes after it concludes. Exact time will be determined annually. (2) The "Slow/No Wake Area" and the "No Southbound Traffic Area" will be enforced each day for six hours after the air show concludes. Exact time will be determined annually. • Location: (1) "No Entry Area": Waters of the Atlantic Ocean off Jones Beach State Park, Wantagh, NY contained within the following described area; beginning at a point on land at position 40°34′54″ N., 073°33′21″ W.; then east along the shoreline of Jones Beach State Park to a point on land at position 40°35′53″ N., 073°28′48″ W.; then south to a point in the Atlantic Ocean off of Jones Beach at position 40°35′05″ N., 073°28′34″ W.; then west to position 40°33′15″ N., 073°33′09″ W.; then north to the point of origin (NAD 83). All positions are approximate. (2) "Slow/No Wake Area": All navigable waters between Meadowbrook State Parkway and Wantagh State Parkway and contained within the following area. Beginning in position 40°35′49.01″ N., 73°32′33.63″ W.; then north along the Meadowbrook State Parkway to its intersection with Merrick Road in position 40°39′14″ N., 73°34′0.76″ W.; then east along Merrick Road to its intersection with Wantagh State Parkway in position 40°39′51.32″ N., 73°30′43.36″ W.; then south along the Wantagh State Parkway to its intersection with Ocean Parkway in position 40°35′47.30″ N., 073°30′29.17″ W.; then west along Ocean Parkway to its intersection with Meadowbrook State Parkway at the point of origin (NAD 83). All positions are approximate. (3) "No Southbound Traffic Area": All navigable waters of Zach's Bay south of the line connecting a point near the western entrance to Zach's Bay at position 40°36′29.20″ N., 073°29′22.88″ W. and a point near the eastern entrance of Zach's Bay at position 40°36′16.53″ N., 073°28′57.26″ W. (NAD 83). All positions are approximate.

TABLE TO § 100.100—Continued

6	June
6.1 Swim Across America Greenwich	• Date: A single day during June.
	• Time: 5:30 a.m. until noon. • Location: All navigable waters of Stamford Harbor within an area starting at a point in position 41°01′32.03″ N., 073°33′8.93″ W., then southeast to a point in position 41°01′15.01″ N., 073°32′55.58″ W.; then southwest to a point in position 41°0′49.25″ N., 073°33′20.36″ W.; then northwest to a point in position 41°0′58″ N., 073°33′27″ W.; then northeast to a point in position 41°1′15.8″ N., 073°33′9.85″ W., then heading north and ending at point of origin (NAD 83). All positions are approximate.
7	July
7.1 Connecticut River Raft Race, Middletown, CT	• Date: A single day between the last Saturday in July through first Saturday of August.
	• Time: 10 a.m. until 2 p.m. • Location: All waters of the Connecticut River near Middletown, CT between Gildersleeve Island (Marker no. 99) at position 41°36′02.13″ N., 072°37′22.71″ W.; and Portland Riverside Marina (Marker no. 88) at position 41°33′38.3″ N., 072°37′36.53″ W. (NAD 83). All positions are approximate. • Additional Stipulations: Spectators or other vessels shall not anchor, block, loiter, or impede the transit of event participants or official patrol vessels in the regulated areas unless authorized by COTP or designated representative.
7.2 Dolan Family Fourth Fireworks	• Date: July 4. • Rain date: July 5. • Time: To be determined annually. • Locations: (1) "No Entry Area": All waters of Oyster Bay Harbor in Long Island Sound off Oyster Bay, NY within a 1000 foot radius of the launch platform in approximate position 40°53′42.50″ N., 073°30′04.30″ W. (NAD 83). (2) "Slow/No Wake Area": All waters of Oyster Bay Harbor in Long Island Sound off Oyster Bay, NY contained within the following area; beginning at a point on land in position at 40°53′12.43″ N., 073°31′13.05″ W. near Moses Point; then east across Oyster Bay Harbor to a point on land in position at 40°53′15.12″ N., 073°30′38.45″ W.; then north along the shoreline to a point on land in position at 40°53′34.43″ N., 073°30′33.42″ W. near Cove Point; then east along the shoreline to a point on land in position at 40°53′41.67″ N., 073°29′40.74″ W. near Cooper Bluff; then south along the shoreline to a point on land in position 40°53′05.09″ N., 073°29′23.32″ W. near Eel Creek; then east across Cold Spring Harbor to a point on land in position 40°53′06.69″ N., 073°28′19.9″ W.; then north along the shoreline to a point on land in position 40°55′24.09″ N., 073°29′49.09″ W. near Whitewood Point; then west across Oyster Bay to a point on land in position 40°55′5.29″ N., 073°31′19.47″ W. near Rocky Point; then south along the shoreline to a point on land in position 40°54′04.11″ N., 073°30′29.18″ W. near Plum Point; then northwest along the shoreline to a point on land in position 40°54′09.06″ N., 073°30′45.71″ W.; then southwest along the shoreline to a point on land in position 40°54′03.2″ N., 073°31′01.29″ W.; and then south along the shoreline back to point of origin (NAD 83). All positions are approximate.
7.3 Clam Shell Foundation Fireworks	• Date: A single day during July. • Time: To be determined annually. • Locations: (1) "No Entry Area": All waters of Three Mile Harbor, East Hampton, NY within a 1000 foot radius of the launch platform in approximate position 41°01′15.49″ N., 072°11′27.5″ W. (NAD 83).

TABLE TO § 100.100—Continued

	(2) "Northbound Traffic Only Area": All waters of Three Mile Harbor, East Hampton, NY contained within the following area; beginning at a point in position at 41°02′5.05″ N., 072°11′19.52″ W.; then southeast to a point on land in position at 41°02′2.67″ N., 072°11′17.97″ W.; then south along shoreline to a point on land in position at 41°01′35.26″ N., 072°11′9.56″ W.; then southeast across channel to a point on land in position at 41°01′30.28″ N., 072°10″52.77″ W.; then north along the shoreline to a point on land in position at 41°01′41.35″ N., 072° 10′52.57″ W.; then north across channel to a point on land in position at 41°01′44.41″ N., 072° 10′52.23″ W. near the southern end of Sedge Island; then north along shoreline of Sedge Island to a point on land in position at 41°01′56.3″ N., 072°10′59.37″ W., near the northern end of Sedge Island; then northwest across the channel to a point on land in position 41°01′56.76″ N., 072°11′0.66″ W.; then northwest along shoreline to a point on land in position 41°01′41.35″ N., 072°10′52.57″ W.; then northwest to position at 41°02′5.92″ N., 072°11′16.73″ W.; and then southwest to point of origin (NAD 83). All positions are approximate.
7.4 Jones Beach State Park Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Locations: (1) "No Entry Area": All waters off of Jones Beach State Park, Wantagh, NY within a 1000 foot radius of the launch platform in approximate position 40°34′ 56.68″ N., 073°30′31.19″ W. (NAD 83). (2) "Slow/No Wake Area": All navigable waters between Meadowbrook State Parkway and Wantagh State Parkway and contained within the following area. Beginning in position at 40°35′49.01″ N., 073°32′33.63″ W.; then north along the Meadowbrook State Parkway to its intersection with Merrick Road in position at 40°39′14″ N., 073°34′0.76″ W.; then east along Merrick Road to its intersection with Wantagh State Parkway in position at 40°39′51.32″ N., 073°30′43.36″ W.; then south along the Wantagh State Parkway to its intersection with Ocean Parkway in position at 40°35′47.30″ N., 073°30′29.17″ W.; then west along Ocean Parkway to its intersection with Meadowbrook State Parkway at the point of origin (NAD 83). All positions are approximate. (3) "No Southbound Traffic Area": All navigable waters of Zach's Bay south of the line connecting a point near the western entrance to Zach's Bay in position at 40°36′29.20″ N., 073°29′22.88″ W. and a point near the eastern entrance of Zach's Bay in position at 40°36′16.53″ N., 073°28′57.26″ W. (NAD 83). All positions are approximate.
7.5 Maggie Fischer Memorial Great South Bay Cross Bay Swim	• Date: A single day during July. • Time: To be determined annually. • Location: Waters of the Great South Bay, NY within 100 yards of the race course. Starting Point at the Fire Island Lighthouse Dock in position at 40°38′01″ N., 073°13′07″ W.; then north-by-northwest to a point in position at 40°38′52″ N., 073°13′09″ W.; then north-by-northwest to a point in position at 40°39′40″ N., 073°13′30″ W.; then north-by-northwest to a point in position at 40°40′30″ N., 073°14′00″ W.; and then north-by-northwest, finishing at Gilbert Park, Brightwaters, NY at position 40°42′25″ N., 073°14′52″ W. (NAD 83). All positions are approximate.
7.6 Aquapalooza, Zach's Bay	• Date: A single day during July. • Time: 11:30 a.m. to 8 p.m. • Location: All navigable waters of Zach's Bay, Wantagh, NY south of the line connecting a point near the western entrance to Zach's Bay in approximate position 40°36′29.20″ N., 073°29′22.88″ W. and a point near the eastern entrance of Zach's Bay in approximate position 40°36′16.53″ N., 073°28′57.26″ W. • Additional stipulations: During the enforcement period vessel speed in the regulated area is restricted to no wake speed or 6 knots, whichever is slower. On the day of the event from 3 p.m. to 5:30 p.m. vessels may only transit the regulated area in the northbound direction or outbound direction.

TABLE TO § 100.100—Continued

7.7 Fran Schnarr Open Water Championship Swim	• Date: A single day during July. • Time: To be determined annually. • Location: Waters of Huntington Bay, NY within 100 yards of the race course. Starting in position at 40°54′25.3″ N., 073°24′27.9″ W.; then northeast to a position at 40°54′32″ N., 73°23′57.7″ W.; then northwest to a position at 40°54′37.9″ N., 073°23′57.2″ W.; then southwest to a position at 40°54′33.2″ N., 073°25′28.1″ W.; then southeast to a position at 40°54′25.5″ N., 073°25′25.7″ W.; and then southeast to point of origin (NAD 83). All positions are approximate.
8	August
8.1 Riverfront Dragon Boat and Asian Festival	• Dates: Saturday and Sunday during the third weekend of August. • Time: 8 a.m. until 4:30 p.m. each day. • Regulated area: All waters of the Connecticut River in Hartford, CT between the Bulkeley Bridge at 41°46′10.10″ N., 072°39′56.13″ W. and the Wilbur Cross Bridge at 41°45′11.67″ N., 072°39′13.64″ W. (NAD 83). All positions are approximate.
8.2 Swim Across the Sound	• Date: A single day during August. • Time: To be determined annually. • Location: Waters of Long Island Sound from Port Jefferson, NY in approximate position 40°58′11.71″ N., 073°05′51.12″ W.; then northwest to Captain's Cove Seaport, Bridgeport, CT in approximate position 41°09′25.07″ N., 073°12′47.82″ W. (NAD 83).
8.3 Stonewall Swim	• Date: A day during a weekend in August. • Time: 8:30 a.m. until 12:30 p.m. • Location: All navigable waters of the Great South Bay within a three miles long and half mile wide box connecting Snedecor Avenue in Bayport, NY to Porgie Walk in Fire Island, NY. Formed by connecting the following points. Beginning at 40°43′40.24″ N., 073°03′41.50″ W.; then to 40°43′40.00″ N., 073°03′13.40″ W.; then to 40°40′04.13″ N., 073°03′43.81″ W.; then to 40°40′08.30″ N., 073°03′17.70″ W.; and then back to point of origin (NAD 83).
8.4 Island Beach Two Mile Swim	• Date: A single day during August. • Time: To be determined annually. • Location: All waters of Captain Harbor between Little Captain's Island and Bower's Island that are located within the box formed by connecting four points in the following positions. Beginning at 40°59′23.35″ N. 073°36′42.05″ W.; then northwest to 40°59′51.04″ N. 073°37′57.32″ W.; then southwest to 40°59′45.17″ N. 073°38′01.18″ W.; then southeast to 40°59′17.38″ N. 073°36′45.9″ W.; then northeast to the point of origin (NAD 83). All positions are approximate.
8.5 Waves of Hope Swim	• Date: A single day during August. • Time: To be determined annually. • Location: All waters of the Great South Bay off Amityville, NY shoreward of a line created by connecting the following points. Beginning at a point at 40°39′22.38″ N., 073°25′31.63″ W; then south to a point at 40°39′2.18″ N., 073°25′31.63″ W.; then east to a point at 40°39′2.18″ N., 073°24′3.81″ W.; then north to a point at 40°39′18.27″ N., 073°24′3.81″ W.; and then west back to point of origin (NAD 83). All positions are approximate.
8.6 Smith Point Triathlon	• Date: A day during a weekend in August. • Time: To be determined annually. • Location: All waters of Narrow Bay near Smith Point Park in Mastic Beach, NY within the area bounded by land along its southern edge and points in position at 40°44′14.28″ N., 072°51′40.68″ W.; then north to a point at position 40°44′20.83″ N., 072°51′40.68″ W.; then east to a point at position 40°44′20.83″ N., 072°51′19.73″ W.; then south to a point at position 40°44′14.85″ N., 072°51′19.73″ W.; and then southwest along the shoreline back to the point of origin (NAD 83). All positions are approximate.
9	September
9.1 Head of the Tomahawk	• Date: A single day during September. • Time: To be determined annually.

TABLE TO § 100.100—Continued

	• Location: All navigable waters of the Connecticut River off South Glastonbury, CT. Beginning at position 41°41′18.88″ N.; 072°37′16.26″ W.; then downriver along the west bank to a point at position 41°38′49.12″ N., 072°37′32.73″ W.; then across the Connecticut River to a point at position 41°38′49.5″ N., 072°37′19.55″ W.; then upriver along the east bank to a point at position 41°41′25.82″ N., 072°37′9.08″ W.; then across the Connecticut River to the point of origin (NAD 83). • Additional Stipulations: Non-event vessels transiting through the area during the enforcement period are to travel at no wake speeds or 6 knots, whichever is slower and that non-event vessels shall not block or impede the transit of event participants, event safety vessels or official patrol vessels in the regulated area unless authorized by COTP or designated representatives.
10	October
10.1 Head of the Riverfront Rowing Regatta, Hartford, CT	• Date: The first Sunday of October. • Time: 5:30 a.m. until 5:30 p.m. • Location: All water of the Connecticut River, Hartford, CT, between at point North of Wethersfield Cove at 41°43′52.17″ N., 072°38′40.38″ W. and the Riverside Boat House 41°46′30.98″ N., 072° 39′54.35″ W. (NAD 83).

Dated: April 19, 2016.

E.J. Cubanski, III,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2016–11824 Filed 5–19–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0390]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Tower Drawbridge across the Sacramento River, mile 59.0, at Sacramento, CA. The deviation is necessary to allow participants from the AMGEN Tour of California to cross the drawspan safely and without interruption. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 10:30 a.m. to 3 p.m. on May 22, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0390] is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.*

SUPPLEMENTARY INFORMATION: California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The vertical lift bridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 10:30 a.m. to 3 p.m. on May 22, 2016, to allow participants from the AMGEN Tour of California to cross the drawspan safely and without interruption. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 9, 2016.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2016–11993 Filed 5–19–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2016–0412]

Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce security zone regulations for the Sitcum Waterway Security Zone in Commencement Bay, Tacoma, Washington from 6 a.m. on May 17, 2016, through 11:59 p.m. on May 22, 2016, unless cancelled sooner by the Captain of the Port. This action is necessary to help provide for the security of Department of Defense assets and military cargo located in those waters during that time period. Entry into the Sitcum Waterway security zone is prohibited unless authorized by the Captain of the Port Puget Sound or a Designated Representative.

DATES: The regulations in 33 CFR 165.1321 will be enforced for the

Sitcum Waterway Security Zone from 6 a.m. on May 17, 2016 through 11:59 p.m. on May 22, 2016, unless cancelled sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email CWO Jeffrey Zappen, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206–217–6076, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce 33 CFR 165.1321 security regulations for the Sitcum Waterway Security Zone described in paragraph (c)(2) of that section from May 17, 2016, at 6 a.m. through 11:59 p.m. on May 22, 2016, unless cancelled sooner by the Captain of the Port. The security zone is necessary to help provide for the security of Department of Defense assets and military cargo located in those waters during the enforcement period. Entry into the security zone is prohibited unless authorized under § 165.1321. Vessels wishing to enter the security zone may request permission from the Captain of the Port Puget Sound or a Designated Representative as outlined in § 165.1321.

This notice of enforcement is issued under authority of 33 CFR 165.1321 and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via marine information broadcasts and on-scene assets, if any.

If the COTP determines that the Sitcum Waterway Security Zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners will be used to grant general permission to enter the regulated area.

Dated: May 16, 2016.

M.W. Raymond,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2016–11870 Filed 5–19–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2016–0026]

RIN 1625–AA00

Safety Zone, Block Island Wind Farm; Rhode Island Sound, RI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a 500-yard safety zone around each of five locations where the Block Island Wind Farm (BIWF) wind turbine generator (WTG) towers, nacelles, blades and subsea cables will be installed in the navigable waters of Rhode Island Sound, RI, from May 15 to October 31, 2016. These safety zones are intended to safeguard mariners from the hazards associated with construction of the BIWF. This regulation prohibits vessels from entering into, transiting through, mooring, or anchoring within these safety zones while construction vessels and associated equipment are working on-site (*i.e.,* within 500 yards of a WTG) at one or more of the BIWF WTG sites, unless authorized by the Captain of the Port (COTP), Southeastern New England or the COTP's designated representative.

DATES: This rule is effective without actual notice from May 20, 2016 through October 31, 2016. For purposes of enforcement, actual notice will be used from May 15, 2016 until May 20, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0026 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Mr. Edward G. LeBlanc, Chief of the Waterways Management Division at Coast Guard Sector Southeastern New England, telephone 401–435–2351, email *Edward.G.LeBlanc@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Acronyms

BIWF	Block Island Wind Farm
CFR	Code of Federal Regulations
COTP	Captain of The Port
DHS	Department of Homeland Security
DWW	Deepwater Wind
FR	Federal Register
NPRM	Notice of proposed rulemaking
NTM	Notice To Mariners
RIDEM	Rhode Island Department of Environmental Management
§	Section
TFR	Temporary Final Rule
U.S.C.	United States Code
WTG	Wind Turbine Generator

II. Background Information and Regulatory History

On February 16, 2016, the Coast Guard published an NPRM in the **Federal Register** titled Safety Zone, Block Island Wind Farm; Rhode Island Sound, RI, 81 FR 7718, proposing to create BIWF safety zones effective April 1, 2016. There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to BIWF construction. Two comments were received requesting an extension of the initial comment period that ended on March 17, 2016. On April 4, 2016, we published a Proposed Rule in the **Federal Register**, 81 FR 19097, opening a second comment period that closed on April 17, 2016.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. The original effective date of the safety zones created by this rule was April 1, 2016. The revised date is six weeks later, May 15, 2016. Construction and cable-laying vessels are already preparing to work in the vicinity of the BIWF. The safety of life and navigation for construction and support vessels, BIWF workers, mariners, and the boating public during construction activities in the vicinity of the BIWF in Rhode Island Sound, RI would be negatively impacted by a delay in the effective date of this TFR.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Southeastern New England has determined that potential hazards associated with construction of the BIWF from May 15 to October 31, 2016 will be a safety concern for anyone within a 500-yard radius of any of the five WTG sites when and where construction vessels are present. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone during this construction period.

IV. Discussion of Comments, Changes, and the Rule

Twelve comments were received. As noted above, the Coast Guard provided two distinct periods for the public to submit comments. The first comment period, announced in our NPRM published in the **Federal Register** on February 16, 2016, (81 FR 7718) was from February 16 to March 17, 2016. The second comment period, announced in our Proposed Rule published in the **Federal Register** on April 4, 2016, (81 FR 19097) was from April 4–17, 2016. We received nine comments in the initial comment period. Two requested additional time to submit comments.

Three comments supported the safety zones proposed in the NPRM. One comment suggested that the Coast Guard also prohibit anchoring outside the safety zone areas. Another comment suggested extending the effective dates of the TFR to allow for construction delays. A third comment suggested that measures be implemented to prevent vessels near the safety zones from drifting into the safety zones.

Four comments opposed the safety zones, claiming the zones will cause irreparable economic harm to commercial fishing interest that normally fish in the vicinity of the BIWF unless adequately compensated by Deepwater Wind (DWW), the developers of the BIWF.

Three comments were received during the second comment period. One comment supported the safety zones as a necessary safety measure with minimal adverse environmental impacts. Two comments requested clarification of our NPRM. The Rhode Island Department of Environmental Management (RIDEM) asked us to clarify that the safety zones are 500 yards in radius centered on each BIWF WTG, not 500 yards diameter. The safety zones created by this TFR are five individual safety zones, each 500 yards in radius centered on each BIWF WTG. RIDEM and another comment also requested that we confirm that each safety zone will only be enforced (*i.e.*, entry to non-construction vessels will be prohibited) when construction vessels are on-site (within 500 yards of a WTG). DWW intends to have vessels on site at only one or two WTG sites simultaneously, not all five concurrently. As written, this TFR will be enforced at each WTG site only when BIWF construction vessels are on-site at a particular WTG. For example, if BIWF construction vessels are at WTG site 1, vessels must remain at least 500 yards from WTG 1. But vessels may approach WTGs 2–5 as close as desired that is consistent with prudent seamanship and navigation safety. As another example, if BIWF construction vessels are at WTG sites 3 and 4, then waters at sites 1, 2, and 5 are completely accessible to mariners, and so on.

Additionally, RIDEM requested that the Coast Guard consult with DWW to reduce the effective period of the safety zones created by this TFR to "minimize economic hardship on members of the RI fishing industry." The Coast Guard consulted DWW on April 19, 2016 to discuss the length of the effective period. This TFR shortens the effective period by six weeks and clarifies that the safety zones will only be enforced at those individual WTG sites where construction vessels are on-scene, not all five sites simultaneously, which minimizes the times and areas that may impact the RI fishing industry.

RIDEM also requested that five days public notice be provided to inform the public of the specific WTG(s) at which construction activities would be taking place. DWW publishes a daily mariner notification at *http://dwwind.com/biwf-construction/*, which will include a 5-day forecast of locations of construction vessels and activities. Additionally, RIDEM has a fishery liaison officer whose duties included keeping the RI fishing community advised of BIWF construction activities.

The Coast Guard considered all these comments and provided the clarification above, but otherwise made no changes to the regulatory text of this rule from the proposed rule in the NPRM, other than to change the commencement date of the effective period of the TFR from April 1 to May 15, 2016.

This rule establishes a 500-yard safety zone around each of five locations where the BIWF WTG towers, nacelles, blades, and subsea cables will be installed in the navigable waters of the Rhode Island Sound, RI, from May 15 to October 31, 2016.

These safety zones are intended to safeguard mariners from the hazards associated with construction of the BIWF. These safety zones are also of similar dimensions and duration as safety zones established in 2015 for the same purpose, during the first phase of construction of the BIWF. Vessels will be prohibited from entering into, transiting through, mooring, or anchoring within these safety zones at only those WTG sites where construction vessels and associated equipment are present unless authorized by the COTP, Southeastern New England or the COTP's designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a "significant regulatory action," under Executive order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and the time-of-day of the safety zones. The safety zones are 500 yards in radius, centered on each of five WTG locations, and enforced at those WTG sites where construction vessels or construction activities are taking place. Also, construction of the five WTG sites is sequential, not concurrent, so that construction vessels and activities (and hence, safety zones) are present at only one or two sites at any given time. Vessels will be able to safely transit around these safety zones. The Coast Guard will publicize these safety zones in advance via the Local Notice to Mariners Deepwater Wind will update its Web site daily to keep mariners informed of what safety zones, if any, may be enforced. Lastly, safety zones of the same size and duration were implemented for the first phase of the BIWF construction in 2015 with no significant impact to mariners or small entities.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit these safety zones may be small entities, for the reasons stated in section V.A above this rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive order 13132.

Also, this rule does not have tribal implications under Executive order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves safety zones that would prohibit entry within 500 yards of each WTG site of the BIWF while construction vessels and associated equipment are present at that particular WTG. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination will be available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for Part 165 reads as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T0026 to read as follows:

§ 165.T0026 Safety Zone, Block Island Wind Farm; Rhode Island Sound, RI

(a) *Location.* Areas within a 500-yard radius of the following five positions are safety zones:

Platform	Latitude	Longitude
WTG 1	41°7′32.74″ N.	71°30′27.04″ W.
WTG 2	41°7′11.57″ N.	71°30′50.22″ W.
WTG 3	41°6′52.96″ N.	71°31′16.18″ W.
WTG 4	41°6′36.54″ N.	71°31′44.62″ W.
WTG 5	41°6′22.79″ N.	71°32′15.50″ W.

(b) *Enforcement period.* From May 15 to October 31, 2016, vessels will be prohibited from entering into these safety zones, when enforced, during construction activity of the five Block Island Wind Farm (BIWF) wind turbine generators (WTG) located in the positions listed in 2(a) above.

(c) *Definitions.* The following definitions apply to this section:

Designated Representative. A "designated representative" is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port, Sector Southeastern New England (COTP), to act on his or her behalf.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 as well as the following regulations apply to the safety zones established in conjunction with the construction of the BIWF; Rhode Island Sound, RI. These regulations may be enforced for the duration of construction.

(2) Vessels must not enter into, transit through, moor, or anchor in these safety zones during periods of enforcement unless authorized by the COTP, Southeastern New England or the COTP's designated representative. Vessels permitted to transit must operate at a no-wake speed, in a manner which will not endanger construction vessels or associated equipment.

(3) Failure to comply with a lawful direction from the COTP, Southeastern New England or the COTP's designated representative may result in expulsion from the area, citation for failure to comply, or both.

Dated: April 21, 2016.

J.T. Kondratowicz,

Captain, U.S. Coast Guard, Captain of the Port Southeastern New England.

[FR Doc. 2016–11826 Filed 5–19–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1511 and 1552

[EPA–HQ–OARM–2012–0478; FRL 9946–47–OARM]

Environmental Protection Agency Acquisition Regulation; Clause for Level of Effort—Cost-Reimbursement Contract

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) amends the EPA Acquisition Regulation (EPAAR) to update policy, procedures, and contract clauses. This final rule updates the EPAAR clause *Level of Effort—Cost-Reimbursement Contract.*

DATES: This final rule is effective on June 20, 2016.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OARM–2012–0478. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov,* or in hard copy at the Office of Environmental Information (OEI) Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1752. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas Valentino, Policy, Training, and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–4522; email address: *valentino.thomas@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The EPA reviewed EPAAR clause 1552.211–73, *Level of Effort—Cost-Reimbursement Term Contract,* to make the clause more prescriptive in describing the EPA's responsibilities when the Agency orders less level of effort (LOE) than the maximum LOE specified in the subject clause; *e.g.,* if the clause specifies 100,000 hours for a given period of performance but the contractor only provides 70,000 hours. The clause provides that a downward equitable adjustment will be made to reduce the fixed fee by the percentage by which the total expended LOE is less than 100% of that specified in the LOE clause; *e.g.,* the fixed fee amount will be reduced by 30% using the same 100,000/70,000 hours example. The clause title is also modified so that the clause is now applicable to EPA LOE cost-reimbursement contracts, and paragraph (a) has been revised. The EPAAR 1511.011–73 clause prescription is also being updated accordingly. On April 10, 2015 (80 FR 19257) EPA sought comments on the proposed rule and received no comments.

II. Final Rule

This final rule amends the EPAAR to revise the following:

1. The EPAAR 1511.011–73 clause prescription is updated.
2. The clause title is revised as follows: *Level of Effort—Cost-Reimbursement Contract.*
3. Paragraph (a) has been revised.
4. An expositional statement has been added to paragraph (c).

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a "significant regulatory action" under the terms of Executive Order (EO)12866 (58 FR 51735, October 4, 1993) and therefore, not subject to review under the EO.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* No information is collected under this action.

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute; unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of this final rule on small entities, "small entity" is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action revises a current EPAAR provision and does not impose requirements involving capital investment, implementing procedures, or record keeping. This rule will not have a significant economic impact on small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, Local, and Tribal governments and the private sector.

This rule contains no Federal mandates (under the regulatory provisions of the Title II of the UMRA) for State, Local, and Tribal governments or the private sector. The rule imposes no enforceable duty on any State, Local or Tribal governments or the private sector. Thus, the rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and Local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government as specified in Executive Order 13132.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This rule does not have tribal implications as specified in Executive Order 13175.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045, entitled “Protection of Children from Environmental Health and Safety Risks” (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12886, and (2) concerns an environmental health or safety risk that may have a proportionate effect on children. This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environmental health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This final rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution of Use” (66 FR 28335, (May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) (15 U.S.C 272 note) of NTTA, Public Law 104–113, directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (E.O.) 12898 (59 FR 7629 (Feb. 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This rulemaking does not involve human health or environmental effects.

List of Subjects

48 CFR Part 1511

Government procurement.

48 CFR Part 1552

Government procurement, Reporting and recordkeeping requirements.

Dated: May 5, 2016.

John R. Bashista,

Director, Office of Acquisition Management.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

PART 1511—DESCRIBING AGENCY NEEDS

■ 1. The authority citation for part 1511 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c)

■ 2. Revise section 1511.011–73 to read as follows:

1511.011–73 Level of effort.

The Contracting Officer shall insert the clause at 1552.211–73, *Level of Effort—Cost Reimbursement Contract,* in cost-reimbursement contracts including cost contracts without fee, cost-sharing contracts, cost-plus-fixed-fee (CPFF) contracts, cost-plus-incentive-fee contracts (CPIF), and cost-plus-award-fee contracts (CPAF).

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 1552 continues to read as follows:

Authority: 5 U.S.C. 301 and 41 U.S.C. 418b.

■ 4. Revise section 1552.211–73 to read as follows:

1552.211–73 Level of effort—cost-reimbursement contract.

As prescribed in 1511.011–73, the contracting officer shall insert the following contract clause in cost-reimbursement contracts including cost contracts without fee, cost-sharing contracts, cost-plus-fixed-fee (CPFF) contracts, cost-plus-incentive-fee contracts (CPIF), and cost-plus-award-fee contracts (CPAF).

Level of Effort—Cost-Reimbursement Contract (May 2016)

(a) The Contractor shall perform all work and provide all required reports within the level of effort specified below. The Contractor shall provide up to ____ direct labor hours for the base period. The Government's best estimate of the level of effort to fulfill these requirements is provided for advisory and estimating purposes. The Government is only obligated to pay for direct labor hours ordered and corresponding fixed fee for labor hours completed.

(b) Direct labor includes personnel such as engineers, scientists, draftsmen, technicians, statisticians, and programmers, and not support personnel such as company management or data entry/word processing/accounting personnel even though such support personnel are normally treated as direct labor by the Contractor. The level of effort specified in paragraph (a) of this section includes Contractor, subcontractor, and consultant non-support labor hours.

(c) If the Contractor provides less than 90 percent of the level of effort specified for the base period or any optional period exercised, an equitable downward adjustment of the fixed fee, if any, for that period will be made. The downward adjustment will reduce the fixed fee by the percentage by which the total expended level of effort is less than 100% of that specified in paragraph (a). (For instance, if a hypothetical base-period LOE of 100,000 hours is being reduced to 70,000, the fixed fee shall also be reduced by the same 30%. Using a corresponding hypothetical base-period fixed fee pool of $300,000, the reduced fixed-fee amount is calculated as:

$300,000 × (70,000 hours/100,000 hours) = $210,000.)

(d) The Government may require the Contractor to provide additional effort up to 110 percent of the level of effort for any period until the estimated cost for that period has been reached. However, this additional effort shall not result in any increase in the fixed fee, if any.

(e) If this is a cost-plus-incentive-fee (CPIF) contract, the term "fee" in paragraphs (c) and (d) of this section means "base fee and incentive fee." If this is a cost-plus-award-fee (CPAF) contract, the term "fee" in paragraphs (c) and (d) means "base fee and award fee."

(f) If the level of effort specified to be ordered during a given base or option period is not ordered during that period, that level of effort may not be accumulated and ordered during a subsequent period.

(g) These terms and conditions do not supersede the requirements of either the "Limitation of Cost" or "Limitation of Funds" clauses.

(End of clause)

[FR Doc. 2016–11970 Filed 5–19–16; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 81, No. 98
Friday, May 20, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

12 CFR Part 1102

[Docket No. AS16–06]

Appraisal Subcommittee; Notice of Proposed Rulemaking To Implement Collection and Transmission of Annual AMC Registry Fees

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Appraisal Subcommittee of the Federal Financial Institutions Examination Council (ASC) is proposing a rule pursuant to authority granted in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) to implement collection and transmission of appraisal management company (AMC) annual registry fees by State appraiser certifying and licensing agencies that elect to register and supervise AMCs. The ASC requests comment on all aspects of this Notice.

DATES: Comments must be received on or before July 19, 2016.

ADDRESSES: Commenters are encouraged to submit comments by the Federal eRulemaking Portal or email, if possible. You may submit comments, identified by Docket Number AS16–06, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Click on the "Help" tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for submitting public comments.
- *Email: webmaster@asc.gov*. Include the docket number in the subject line of the message.
- *Fax:* (202) 289–4101. Include docket number on fax cover sheet.
- *Mail:* Address to Appraisal Subcommittee, Attn: Lori Schuster, Management and Program Analyst, 1401 H Street NW., Suite 760, Washington, DC 20005.
- *Hand Delivery/Courier:* 1401 H Street NW., Suite 760, Washington, DC 20005.

In general, the ASC will enter all comments received into the docket and publish those comments on the *Regulations.gov* Web site without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. At the close of the comment period, all public comments will also be made available on the ASC's Web site at *https://www.asc.gov* (follow link in "What's New") as submitted, unless modified for technical reasons.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- *Viewing Comments Electronically:* Go to *https://www.regulations.gov*. Enter "Docket ID AS16–06" in the Search box and click "Search." Click on the "Help" tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.
- *Viewing Comments Personally:* You may personally inspect comments at the ASC office, 1401 H Street NW., Suite 760, Washington, DC 20005. To make an appointment, please call Lori Schuster at (202) 595–7578.

FOR FURTHER INFORMATION CONTACT: James R. Park, Executive Director, at (202) 595–7575, or Alice M. Ritter, General Counsel, at (202) 595–7577, Appraisal Subcommittee, 1401 H Street NW., Suite 760, Washington, DC 20005.

SUPPLEMENTARY INFORMATION:

I. Background

Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended (Title XI),[1] established the ASC.[2] Title XI's purpose is to "provide that Federal financial and public policy interests in real estate related transactions will be protected by requiring that real estate appraisals utilized in connection with federally related transactions are performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision." [3]

On July 21, 2010, the Dodd-Frank Act[4] was signed into law. Section 1473 of the Dodd-Frank Act included amendments to Title XI. Section 1117 of Title XI, *Establishment of State appraiser certifying and licensing agencies*, was amended by the Dodd-Frank Act to: (1) Authorize States,[5] if they so choose, to register and supervise AMCs; and (2) allow States to add information about AMCs in their State to the National Registry of AMCs (AMC Registry). States electing to register and supervise AMCs under Section 1117 must implement minimum requirements in accordance with the AMC Rule.[6]

Title XI as amended by the Dodd-Frank Act imposes a statutory restriction that applies 36 months from the effective date of the AMC Rule (Implementation Period).[7] In summary, beginning 36 months from the effective date of the AMC Rule, an AMC, as defined by Title XI, may not provide services for a Federally related transaction in a State unless the AMC is registered with a State that has established a registration and supervision program under Section 1117, or is subject to oversight by a Federal financial institutions regulatory agency.

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[1] Public Law 101–73, 103 Stat. 183; 12 U.S.C. 3331–3355.

[2] The ASC Board is comprised of seven members. Five members are designated by the heads of the FFIEC agencies (Board of Governors of the Federal Reserve System (Board), Consumer Financial Protection Bureau (CFPB), Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of the Currency (OCC), and National Credit Union Administration (NCUA)). The other two members are designated by the heads of the Department of Housing and Urban Development (HUD) and the Federal Housing Finance Agency (FHFA).

[3] Title XI § 1101, 12 U.S.C. 3331.

[4] Public Law 111–203, 124 Stat. 1376.

[5] As of January, 2016, the 50 States, the District of Columbia, and four Territories, which are the Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, Guam, and United States Virgin Islands, had State appraiser certifying and licensing agencies.

[6] The Dodd-Frank Act added section 1124 to Title XI, *Appraisal Management Company Minimum Requirements*, which required the OCC, Board, FDIC, NCUA, CFPB, and FHFA to establish, by rule, minimum requirements for the registration and supervision of AMCs by States that elect to register and supervise AMCs pursuant to Title XI and the rules promulgated thereunder. The Agencies issued a final rule (AMC Rule) with an effective date of August 10, 2015. (80 **Federal Register** 32658, June 9, 2015).

[7] 12 U.S.C. 3353(f)(1).

Section 1103 of Title XI, *Functions of Appraisal Subcommittee*, was amended by the Dodd-Frank Act to require the ASC to maintain the AMC Registry of AMCs that are either: (1) Registered with and subject to supervision by a State that has elected to register and supervise AMCs; or (2) supervised by a Federal financial institutions regulator (Federally regulated AMCs). It is anticipated that on or before the effective date of this rule, the ASC will issue an ASC Bulletin to States that will address:

1. When the AMC Registry will be open for States; and
2. Reporting requirements (information required to be submitted by States in order to register AMCs on the AMC Registry).

Only those companies that meet the Federal definition of AMC will be eligible to be on the AMC Registry.[8]

Section 1109 of Title XI, *Roster of State certified or licensed appraisers; authority to collect and transmit fees*, was amended by the Dodd-Frank Act to require States that elect to register and supervise AMCs to collect: (1) From AMCs that have been in existence for more than a year an annual registry fee of $25 multiplied by the number of appraisers working for or contracting with such AMC in such State during the previous year; and (2) from AMCs that have not been in existence for more than a year, $25 multiplied by an appropriate number to be determined by the ASC.[9] The $25 may be adjusted, up to a maximum of $50, at the discretion of the ASC, if necessary to carry out the ASC's Title XI functions.[10]

This proposed rule would set the annual AMC registry fee that States would collect and transmit to the ASC if they elect to register and supervise AMCs. This proposed rule sets forth the ASC's interpretation of the phrase "working for or contracting with" as used in the calculation of annual AMC registry fees.

The ASC recognizes that the time required for notice and comment rulemaking for AMC registry fees could impede States' ability to implement the fees within the Implementation Period. However, the restriction on performance of services for Federally related transactions applies to AMCs that are not registered with the State or subject to oversight by a Federal financial institutions regulatory agency. Therefore, it is the ASC's understanding that the failure of a State to collect the fees under this rule within the Implementation Period would not subject otherwise properly registered and supervised AMCs in that State to the ban on providing services for Federally related transactions in that State.

II. The Proposed Rule

The ASC is issuing this proposal to implement Section 1109 of Title XI for collection and transmission of AMC registry fees by those States electing to register and supervise AMCs.[11] The proposed rule would establish the annual AMC registry fee and interpret the phrase "working for or contracting with" in accordance with section 1109 as amended by the Dodd-Frank Act. As with appraisers, an AMC operating in more than one State that elects to register and supervise AMCs would be required to pay a registry fee in each State in order to be on the AMC Registry for each of those States.

Definitions

AMC Registry. Proposed § 1102.401(a) proposes to define *AMC Registry* as the national registry maintained by the ASC of those AMCs that meet the Federal definition of AMC, as defined in 12 U.S.C. 3350(11), are registered by a State or are Federally regulated, and have paid the annual AMC registry fee.

AMC Rule. Proposed § 1102.401(b) proposes to define *AMC Rule* as the interagency final rule on minimum requirements for AMCs, 12 CFR 34.210–34.216; 12 CFR 225.190–225.196; 12 CFR 323.8–323.14; CFR 1222.20–1222.26 (2015).

ASC. Proposed § 1102.401(c) proposes to define *ASC* as the Appraisal Subcommittee of the Federal Financial Institutions Examination Council established under section 1102 (12 U.S.C. 3310) as it amended the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 *et seq.*) by adding section 1011.

Performance of an appraisal. Proposed § 1102.401(d) proposes to define *performance of an appraisal* to mean the appraisal service requested of an appraiser by the AMC was provided to the AMC.

State. Proposed § 1102.401(e) proposes to define *State* as any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, and American Samoa.

Terms incorporated by reference. Proposed § 1102.401(f) states that the definitions of: *Appraisal management company (AMC); appraisal management services; appraiser panel; consumer credit; covered transaction; dwelling; Federally regulated AMC* are incorporated from the AMC Rule by reference because the proposed rule is closely related to the AMC Rule.

Establishing the Annual AMC Registry Fee

Proposed § 1102.402 would establish the annual AMC registry fee for States that elect to register and supervise AMCs as follows: (1) In the case of an AMC that has been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction in such State during the previous year; and (2) in the case of an AMC that has not been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction in such State since the AMC commenced doing business. Performance of an appraisal means the appraisal service requested of an appraiser by the AMC was provided to the AMC.

For AMCs that have been in existence for more than a year, Section 1109 of Title XI provides that the annual AMC registry fee is based on the number of appraisers "working for or contracting with" an AMC in a State during a 12-month period multiplied by $25, up to a maximum of $50.[12] The proposed rule adopts the minimum fee of $25 as set by statute and interprets the phrase "working for or contracting with" to mean those appraisers on an AMC appraiser panel that performed an appraisal for the AMC on a covered transaction[13] during the previous year in a particular State. The annual AMC registry fee for AMCs that have not been in existence for more than a year requires a determination by the ASC of an appropriate multiplier. The ASC proposes to use the same factors of $25 multiplied by the number of appraisers that performed an appraisal for the AMC on a covered transaction, but the fee would be based on the actual period of time since the AMC commenced doing business rather than 12 months.

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[8] Title XI as amended by the Dodd-Frank Act defines "appraisal management company" to mean, in part, an external third party that oversees a network or panel of more than 15 appraisers (State certified or licensed) in a State, or 25 or more appraisers nationally (two or more States) within a given year. (12 U.S.C. 3350(11)). Title XI as amended by the Dodd-Frank Act also allows States to adopt requirements in addition to those in the AMC Rule. (12 U.S.C. 3353(b)). For example, States may decide to supervise entities that provide appraisal management services, but do not meet the size thresholds of the Title XI definition of AMC. If a State has a more expansive regulatory framework that covers entities that provide appraisal management services but do not meet the Title XI definition of AMC, the State should only submit information regarding AMCs meeting the Title XI definition to the AMC Registry.

[9] 12 U.S.C. 3338(a)(4)(B).

[10] *Id.*

[11] *Id.*

[12] Title XI § 1109(a)(4)(B), 12 U.S.C. 3338(a)(4)(B).

The ASC considered three options with respect to interpreting the phrase "working for or contracting with." Under the first option, the phrase "working for or contracting with" would have been interpreted to include every appraiser on an AMC appraiser panel during the reporting period[14] in a particular State. The multiplier in this option would have included all appraisers on an AMC's appraiser panel in a particular State, including appraisers accepted by the AMC for consideration for future appraisal assignments.

Under the second option, the phrase "working for or contracting with" would have been interpreted to include those appraisers engaged by the AMC to perform an appraisal on a covered transaction during the reporting period in a particular State. The time the appraiser would be considered in the calculation is at the point of engagement to perform a particular appraisal, regardless of whether the appraisal was fully performed during the reporting period. The ASC seeks comment in Question 3 below on whether this interpretation would be preferable for States to administer over the third option, which is set forth in the proposed rule.

Under the third option, which is set forth in the proposed rule, the phrase "working for or contracting with" would include appraisers that performed an appraisal for the AMC on a covered transaction during the reporting period in a particular State. This option would exclude appraisers accepted by the AMC for consideration for future appraisal assignments as well as appraisers who performed appraisals in the past, but did not perform any appraisals in the reporting period. The AMC registry fee is not intended to result in duplicate fees for the same appraisal, even if there are multiple drafts of an appraisal. Therefore, the AMC registry fee is to be calculated based on an appraisal one time only.

The ASC believes the third option imposes the minimum fee allowed under the statutory provisions of section 1109 and therefore imposes the least burden on AMCs. Based on the ASC's anticipated costs of overseeing States that elect to register and supervise AMCs, as well as the ASC's anticipated costs of maintaining the AMC Registry, the ASC believes the proposed annual AMC registry fee would adequately cover those costs while supporting other Title XI functions of the ASC as mandated by Congress, including further development of its grant programs, particularly for States.

Collection and Transmission of Annual AMC Registry Fees

Proposed § 1102.403 would implement collection and transmission of annual AMC registry fees for States that elect to register and supervise AMCs following the statutory scheme set forth in section 1117 and section 1109 as amended by the Dodd-Frank Act. The proposed rule would require AMC registry fees to be collected and transmitted to the ASC on an annual basis by States that elect to register and supervise AMCs. Only those AMCs whose registry fees have been transmitted to the ASC would be eligible to be on the AMC Registry for the 12-month period following the payment of the fee.

Under the proposed rule, States would have the flexibility to align a one-year period with any 12-month period, which may or may not be based on the calendar year. Just as many States do not use a calendar year for their existing appraiser credentialing process, the ASC believes that allowing States to set the 12-month period provides appropriate flexibility and will help States comply with the collection and transmission of AMC fees and reduce regulatory burden for State governments. States may choose to do this as they currently do for their appraisers, meaning some States have a date certain every year. Other States use, for example, the appraiser's date of birth (States could use AMC registration date similarly). The registration cycle would be left to the individual States to determine, but note that the statutory requirement in section 1109(a)(4) requires States that elect to register and supervise AMCs to submit AMC registry fees to the ASC annually.

According to the AMC Rule, Federally regulated AMCs must report to the State or States in which they operate that have elected to register and supervise AMCs the information required to be submitted by the State pursuant to the ASC's policies, including: (i) Information regarding the determination of the AMC registry fee; and (ii) information required by the AMC Rule.[15]

III. Request for Comment

The ASC requests comment on all aspects of this proposed rule, including specific requests for comment that appear throughout the Supplementary Information above. In addition, the ASC requests comments on the following questions:

Question 1. The ASC requests comment on all aspects of the proposed annual AMC registry fee.

Question 2. The ASC requests comment on the ASC's interpretation of the phrase "working for or contracting with."

Question 3. The ASC requests comment on the second option's interpretation of the phrase "working for or contracting with." While the proposal defines "working for or contracting with" to include only those appraisers that performed an appraisal for the AMC during the reporting period, the second option would define "working for or contracting with" to mean "the AMC engaged an appraiser to perform an appraisal, regardless of whether the appraiser completed the appraisal during the reporting period." The ASC is requesting comment on whether this would be an easier interpretation for the States to administer.

Question 4. The ASC requests comment on all aspects of proposed collection and transmission of annual AMC registry fees.

Question 5. The ASC requests comment on Federally regulated AMCs operating in a State that does not elect to register and supervise AMCs. Should the ASC collect information and fees directly from Federally regulated AMCs that wish to appear on the AMC Registry but operate in States that do not elect to register and supervise AMCs?

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[13] Consistent with the AMC Rule, the proposed determination of performing an appraisal is proposed to be based on "covered transactions" rather than "Federally related transactions."

[14] In the case of AMCs that have been in existence for more than a year, the reporting period would be 12 months. In the case of an AMC that has not been in existence for more than a year, the reporting period would be since the AMC commenced doing business.

[15] According to the AMC Rule, States are not required to identify Federally regulated AMCs operating in their States; nor are they responsible for supervising or enforcing a Federally regulated AMC's compliance with information submission requirements. A State is also not required to assess whether any licensing issues exist in that State concerning an owner of a Federally regulated AMC that may disqualify the AMC from being on the National Registry of AMCs. Rather, Federally regulated AMCs are subject to oversight by the Federal financial institutions regulators that supervise the financial institutions that own and control AMCs. The AMC Rule does not bar a State from collecting a fee from Federally regulated AMCs to offset the cost of collecting the AMC registry fee and the information related to the fee.

Question 6. What barriers, if any, exist that would make it difficult for a State to implement the collection and transmission of AMC registry fees?

Question 7. What costs (both direct in terms of fees and indirect in terms of administrative costs) would be associated with collection and transmission of AMC registry fees?

Question 8. What aspects of the proposed rule, if any, would be challenging for States to implement? To the extent such challenges would exist, what alternative approaches do commenters suggest that would make implementation easier, while maintaining consistency with the statute?

IV. Regulatory Analysis

Paperwork Reduction Act

Certain provisions of the proposed rule contain "information collection" requirements within the meaning of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Under the PRA, the ASC may not conduct or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to, an information collection unless the information collection displays a valid Office of Management and Budget (OMB) control number. The information collection requirements contained in this proposed rule are being submitted to OMB for review and approval at the proposed rule stage by the ASC pursuant to section 3506 of the PRA and section 1320.11 of the OMB's implementing regulations (5 CFR part 1320). The collection of information requirements in the proposed rule are found in §§ 1102.400–1102.403. This information is required to implement section 1473 of the Dodd-Frank Act.

Title of Information Collection: Collection and Transmission of Annual AMC Registry Fees.

OMB Control Nos.: The ASC will be seeking new control numbers for these collections.

Frequency of Response: Event generated.

Affected Public: States; businesses or other for-profit and not-for-profit organizations.

Abstract

State Recordkeeping Requirements

States that elect to register and supervise AMCs would be required to collect and transmit annual AMC registry fees to the ASC. Section 1102.402 would establish the annual AMC registry fee for States that elect to register and supervise AMCs as follows: (1) In the case of an AMC that has been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction in such State during the previous year; and (2) in the case of an AMC that has not been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction in such State since the AMC commenced doing business. Performance of an appraisal means the appraisal service requested of an appraiser by the AMC was provided to the AMC.

Section 1102.403 would require AMC registry fees to be collected and transmitted to the ASC on an annual basis by States that elect to register and supervise AMCs. Only those AMCs whose registry fees have been transmitted to the ASC would be eligible to be on the AMC Registry for the 12-month period following the payment of the fee. Section 1102.403 clarifies that States may align a one-year period with any 12-month period, which may, or may not, be based on the calendar year. The registration cycle is left to the individual States to determine.

State Reporting Burden

Section 1103 of Title XI, *Functions of Appraisal Subcommittee,* was amended by the Dodd-Frank Act to require the ASC to maintain a registry of AMCs that are either: (1) Registered with and subject to supervision by a State; or (2) Federally regulated AMCs. It is anticipated that on or before the effective date of this rule, the ASC will issue an ASC Bulletin to States that will address:

1. When the AMC Registry will be open for States; and
2. Reporting requirements (information required to be submitted by States in order to register AMCs on the AMC Registry).

Burden Estimates:

Total Number of Respondents: 500 AMCs, 55 States.

Burden Total: 500 hours.

The ASC has a continuing interest in public opinion regarding the ASC's collection of information. Comments regarding the questions set forth below may be sent to the OMB desk officer for the ASC by mail to U.S. Office of Management and Budget, Office of Information and Regulatory Affairs, Washington DC 20503, or by the Internet to *oira_submission@omb.eop.gov,* with copies to the ASC at the address listed in the **ADDRESSES** section of this **SUPPLEMENTARY INFORMATION.**

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* generally requires that, in connection with a notice of proposed rulemaking, an agency prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the proposed rule on small entities. However, the regulatory flexibility analysis otherwise required under the RFA is not required if an agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities and publishes its certification and a brief explanatory statement in the **Federal Register** together with the proposed rule. Based on its analysis, and for the reasons stated below, the ASC believes that the proposed rule will not have a significant economic impact on a substantial number of small entities.

Section 1109 of Title XI provides that State appraiser certifying and licensing agencies that elect to register and supervise AMCs shall collect (1) from AMCs that have been in existence for more than a year, annual AMC registry fees in the amount of $25 (up to a maximum of $50) multiplied by the number of appraisers "working for or contracting with" an AMC in a State during the previous year; and (2) from AMCs that have not been in existence for more than a year, annual AMC registry fees in the amount of $25 (up to a maximum of $50) multiplied by an appropriate number to be determined by the ASC.[16] The purpose of the statutory fee is to support the ASC's functions under Title XI. Because the ASC believes the minimum fee required by the statute would be adequate to support its functions, the proposed rule would adopt the minimum fee of $25 as set by statute. The proposed rule would also interpret the phrase "working for or contracting with" to mean those appraisers that performed an appraisal for the AMC on a covered transaction during the reporting period. For AMCs that have existed for more than a year, the formula would be $25 multiplied by the number of appraisers who have performed an appraisal for the AMC on a covered transaction during the previous year. For AMCs that have not existed for more than a year, the $25 fee would be multiplied by the number of appraisers that performed an appraisal for the AMC on a covered transaction, since the AMC commenced doing business.

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[16] 12 U.S.C. 3338(a)(4)(B).

Regarding the proposed fee for AMCs that have been in existence for more than a year, the ASC believes the proposed rule would impose the minimum fee allowed under the statutory provisions of section 1109. The ASC proposal would not exercise statutory discretion granted to the ASC to increase the fee above $25. Further, the ASC would interpret "working for or contracting with" to mean only those appraisers who actually performed an appraisal for the AMC, as opposed to all appraisers on the AMC's panel or all appraisers engaged, regardless of whether the assignment was performed. The ASC believes this formula would result in the lowest fee allowed by the statute and the ASC would be choosing not to exercise its authority to increase this minimum fee. Therefore, any burden produced is the result of statutory and not regulatory requirements.

The ASC has also decided to propose the statutory minimum fee of $25 for AMCs that have not existed for a year. As required by statute, the ASC is proposing an appropriate number against which to multiply the $25 fee. The ASC is proposing to use the same multiple as used for AMCs that have existed for more than a year (*i.e.*, the number of appraisers that have performed appraisal assignments for the AMC). It is possible that the ASC may have been able to propose a multiple that would result in a lower fee and would still be deemed appropriate. In this regard, the rule may create burden for AMCs that have not existed for more than a year, beyond the burden created by the statutory requirements alone.

While some burden beyond the statutory requirements may result from the rule for AMCs that have not existed for more than a year, the ASC does not believe the rule will have a significant economic impact on a substantial number of small entities. There are only approximately 500 AMCs operating in the United States. The annual regulatory burden will only apply to new AMCs that have not existed for more than a year. Given the small number of AMCs currently in operation, it is unlikely that there will be a substantial number of AMCs that commence doing business in any given year. Further, the ASC is proposing the lowest possible fee of $25. Therefore, the ASC does not believe that the exercise of its discretion in setting the fee formula for such AMCs will have a significant economic impact on a substantial number of small entities.

The collection and transmission to the ASC of AMC registry fees by the States would create some recordkeeping, reporting and compliance requirements. However, these collection and transmission requirements are imposed by the statute, not the proposed rule. Further, the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts when the agency's rule directly regulates the small entities.[17]

Based on its analysis, and for the reasons stated above, the ASC believes that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, the ASC certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis is not required. The ASC requests comment on all aspects of this analysis.

Unfunded Mandates Reform Act of 1995 Determination

The ASC has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the ASC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted annually for inflation). For the following reasons, the ASC finds that the proposed rule does not trigger the $100 million UMRA threshold. First, the mandates in the proposed rule apply only to those States that choose to establish an AMC registration and supervision system. Second, the costs specifically related to requirements set forth in statute are excluded from expenditures under the UMRA. Given that the proposed rule reflects requirements that arise from section 1473 of the Dodd-Frank Act, the UMRA cost estimate for the proposed rule is zero. For this reason, and for the other reasons cited above, the ASC has determined that this proposed rule will not result in expenditures by State, local, and tribal governments, or the private sector, of $100 million or more in any one year. Accordingly, this proposed rule is not subject to section 202 of the UMRA.

List of Subjects in 12 CFR Part 1102

Administrative practice and procedure, Appraisers, Banks, Banking, Freedom of information, Mortgages, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the ASC proposes to amend 12 CFR part 1102 as follows:

PART 1102—APPRAISER REGULATION

■ 1. The authority citation for part 1102 is revised to read as follows:

Authority: 12 U.S.C. 3348(a), 3332, 3335, 3338 (a)(4)(B), 3348(c), 5 U.S.C. 552a, 553(e); Executive Order 12600, 52 FR 23781 (3 CFR, 1987 Comp., p. 235).

■ 2. Subpart E to part 1102 is added to read as follows:

Subpart E—Collection and Transmission of Appraisal Management Company (AMC) Registry Fees

Sec.

1102.400 Authority, purpose, and scope.
1102.401 Definitions.
1102.402 Establishing the Annual AMC Registry Fee.
1102.403 Collection and Transmission of Annual AMC Registry Fees.

§ 1102.400 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued by the Appraisal Subcommittee (ASC) under sections 1106 and 1109 (a)(4)(B) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Title XI), as amended by the

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[17] For purposes of assessing the impacts of the proposed rule on small entities, "small entities" is defined in the RFA to include small businesses, small not-for-profit organizations, and small government jurisdictions. 5 U.S.C. 601(6). A "small business" is determined by application of SBA regulations and reference to the North American Industry Classification System (NAICS) classifications and size standards. 5 U.S.C. 601(3). A "small organization" is any "not-for-profit enterprise which is independently owned and operated and is not dominant in its field." 5 U.S.C. 601(4). A "small governmental jurisdiction" is the government of a city, county, town, township, village, school district, or special district with a population of less than 50,000. 5 U.S.C. 601(5). Given these definitions, States that elect to establish licensing and certification authorities are not small entities and the burden on them is not relevant to this analysis.

Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) (Pub. L. 111–203, 124 Stat. 1376 (2010)), 12 U.S.C. 3335, 3338 (a)(4)(B)).

(b) *Purpose.* The purpose of this subpart is to implement section 1109 (a)(4)(B) of Title XI, 12 U.S.C. 3338.

(c) *Scope.* This subpart applies to States that elect to register and supervise appraisal management companies pursuant to 12 U.S.C. 3353 and the regulations promulgated thereunder.

§ 1102.401 Definitions.

For purposes of this subpart:

(a) *AMC Registry* means the national registry maintained by the ASC of those AMCs that meet the Federal definition of AMC, as defined in 12 U.S.C. 3350(11), are registered by a State or are Federally regulated, and have paid the annual AMC registry fee.

(b) AMC Rule means the interagency final rule on minimum requirements for AMCs, 12 CFR 34.210–34.216; 12 CFR 225.190–225.196; 12 CFR 323.8 –323.14; 12 CFR 1222.20–1222.26 (2015).

(c) *ASC* means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council established under section 1102 (12 U.S.C. 3310) as it amended the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 *et seq.*) by adding section 1011.

(d) *Performance of an appraisal* means the appraisal service requested of an appraiser by the AMC was provided to the AMC.

(e) *State* means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, and American Samoa.

(f) *Terms incorporated by reference.* Definitions of: Appraisal management company (AMC); appraisal management services; appraisal panel; consumer credit; covered transaction; dwelling; Federally regulated AMC are incorporated from the AMC Rule by reference.

§ 1102.402 Annual AMC registry fee.

The annual AMC registry fee to be applied by States that elect to register and supervise AMCs is established as follows:

(a) In the case of an AMC that has been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in such State during the previous year; and

(b) In the case of an AMC that has not been in existence for more than a year, $25 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in such State since the AMC commenced doing business.

§ 1102.403 Collection and transmission of annual AMC registry fees.

(a) *Collection of annual AMC registry fees.* States that elect to register and supervise AMCs pursuant to the AMC Rule shall collect an annual registry fee as established in § 1102.402 (a) from AMCs eligible to be on the AMC Registry.

(b) *Transmission of annual AMC registry fee.* States that elect to register and supervise AMCs pursuant to the AMC Rule shall transmit AMC registry fees as established in § 1102.402 (a) to the ASC on an annual basis. Only those AMCs whose registry fees have been transmitted to the ASC will be eligible to be on the AMC Registry for the 12-month period subsequent to payment of the fee.

By the Appraisal Subcommittee.

Dated: May 16, 2016.

James R. Park,

Executive Director.

[FR Doc. 2016–11914 Filed 5–19–16; 8:45 am]

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TENNESSEE VALLEY AUTHORITY

18 CFR Part 1312

Protection of Archaeological Resources

AGENCY: Tennessee Valley Authority.

ACTION: Proposed rule.

SUMMARY: The Tennessee Valley Authority (TVA) proposes to amend its regulations for the protection of archaeological resources by providing for the issuance of petty offense citations for violations of the Archaeological Resources Protection Act (ARPA) and the Antiquities Act of 1906 (AA). Amending the regulations such that TVA law enforcement agents are authorized to issue citations will help prevent loss and destruction of these resources resulting from unlawful excavations and pillage.

DATES: Written comments must be received on or before June 20, 2016.

ADDRESSES: You may submit comments by any of the following methods:

- *Mail/Hand Delivery:* Ralph E. Majors, Supervisor, Investigation Unit, TVA Police & Emergency Management, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 2D–K, Knoxville, Tennessee 37902–1401.
- *Email: remajors@tva.gov.*

FOR FURTHER INFORMATION CONTACT: Ralph E. Majors, 865–632–4176.

SUPPLEMENTARY INFORMATION:

I. Legal Authority

These proposed amendments are promulgated under the authority of the TVA Act, as amended, 16 U.S.C. 831–831ee, the Archaeological Resources Protection Act, 16 U.S.C. 470aa–470mm, and the Antiquities Act of 1906, 16 U.S.C.431, 432 & 433.

II. Background and Proposed Amendments

This proposed rule amends TVA's regulations implementing the Archaeological Resources Protection Act of 1979 (Pub. L. 96–95, as amended by Pub. L. 100–555, Pub. L. 100–588; 93 Stat. 721; 102 Stat. 2983; 16 U.S.C. 470aa–mm) to provide for the issuance of petty offense citations by TVA's law enforcement agents for violations of ARPA or AA.

Section 10(a) of ARPA requires the Departments of Interior, Agriculture and Defense and the Tennessee Valley Authority to promulgate such uniform rules and regulations as may be necessary to carry out the purposes of ARPA. The first purpose of ARPA is "to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands." 16 U.S.C. 470aa(b). The uniform regulations for ARPA originally were published on January 6, 1984 to implement the Act of 1979. The uniform regulations were then revised on January 26, 1995 to incorporate the amendments to ARPA promulgated by Congress in 1988.

Section 10(b) of ARPA requires each Federal land manager (FLM) to promulgate such regulations, consistent with the uniform regulations under Section 10(a), as may be appropriate for the carrying out of the FLM's functions and authorities under the Act. Thus, Section 10(b) allows individual Federal agencies to tailor the uniform regulations to suit their own particular needs with a view to effectively implementing the authorities under the Act. TVA has adopted the uniform regulations as its own. *See* 18 CFR part 1312 (1984 and 1995). This proposed rule amends TVA's ARPA regulations by enabling TVA's law enforcement agents to issue petty offense citations for violations of ARPA[1] or AA[2] occurring on lands owned by the United States that are entrusted to TVA.[3] The issuance of such petty offense citations would be consistent with the authority granted to TVA's law enforcement agents under the TVA Act, and advance the effective prosecution of violations of ARPA and AA.

Under the TVA Act, the TVA Board of Directors "may designate employees of the Corporation to act as law enforcement agents" to "make arrests without warrant for any offense against the United States committed in the agent's presence" that occurs "on any lands or facilities owned or leased by the Corporation." *See* 16 U.S.C. 831c–3. Based on this authority, the proposed rule amends TVA's regulations for protection of archaeological resources to authorize certain TVA law enforcement agents to issue petty offense citations for the violation of any provision of 16 U.S.C. 470ee or 16 U.S.C. 433. Those TVA law enforcement agents that are designated by the Director of TVA Police and Emergency Management for the purpose of conducting archaeological investigations shall have the authority to issue petty offense citations for ARPA or AA violations committed in the agent's presence on lands owned by the United States that are entrusted to TVA. For any such petty offense committed on lands entrusted to TVA, the citation may be issued at the site of the offense, or on non-TVA land (a) when the person committing the offense is in the process of fleeing the site of the offense to avoid arrest, or (b) to protect the archaeological artifacts involved in the commission of the offense.[4] The citation will require the person charged with the violation to appear before a United States Magistrate Judge within whose jurisdiction the affected archaeological resource is located.[5]

III. Administrative Requirements

A. Unfunded Mandates Reform Act and Various Executive Orders Including E.O. 12866, Regulatory Planning and Review; E.O. 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 13045, Protection of Children From Environmental Health Risks; E.O. 13132, Federalism; E.O. 13175, Consultation and Coordination With Indian Tribal Governments; and E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use; E.O. 12988, Civil Justice Reform Act

This proposal would amend TVA's regulations for the protection of archaeological resources by providing for issuance of petty offense citations by TVA's law enforcement agents for violations of ARPA or AA. This proposal is not subject to Office of Management and Budget Review under Executive Order 12866. The proposal contains no Federal mandates for State, local, or tribal government or for the private sector. TVA has determined that these proposed amendments will not have a significant annual effect of $100 million or more or result in expenditures of $100 million in any one year by State, local, or tribal governments or by the private sector. Nor will the proposal have concerns for environmental health or safety risks that may disproportionately affect children, have significant effect on the supply, distribution, or use of energy, or disproportionally impact low-income or minority populations. Accordingly, the proposal has no implications for any of the referenced authorities. TVA will continue to appropriately review specific requests in accordance with applicable laws, regulations, and Executive Orders.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, TVA is required to prepare a regulatory flexibility analysis unless the head of the agency certifies that the proposal will not have a significant economic impact on a substantial number of small entities. TVA's Chief Executive Officer has certified that this proposal will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. This determination is based on the finding that the proposed amendments are directed toward Federal resource management to help prevent loss or destruction of archaeological resources, with no economic impact on the public.

C. Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act.

List of Subjects in 18 CFR Part 1312

Administrative practice and procedure, Historic Preservation, Indians—lands, Penalties, Public lands, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, we propose to amend 18 CFR part 1312 as follows:

PART 1312—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS

■ 1. The authority citation for part 1312 is revised to read as follows:

Authority: Pub. L. 96–95, 93 Stat. 721, amended, 102 Stat. 2983 (16 U.S.C. 470aa–mm)(Sec. 10(a) *&(b)); Tennessee Valley Authority Act of 1933, as amended, 16 U.S.C. 831–831ee (2012)*. Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996);

■ 2. Amend § 1312.1 by adding a sentence at the end of paragraph (a) to read as follows:

§ 1312.1 Purpose

(a) * * * These regulations also enable TVA's law enforcement agents to issue petty offense citations for violations of any provision of 16 U.S.C. 470ee or 16 U.S.C. 433.

* * * * *

■ 3. Amend § 1312.2 by adding paragraph (c) to read as follows:

§ 1312.2 Authority

(c) Provisions pertaining to the issuance of petty offense citations are based on the duties and powers assigned to TVA's law enforcement agents under 16 U.S.C. 831–831ee.

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[1] The prohibitions under ARPA are set out in Sections 6(a), 6(b) and 6(c) of the Act. *See* 16 U.S.C. 470ee(a), (b) & (c). Any violation of these prohibitions is subject to the criminal sanctions prescribed in Section 6(d). *See* 16 U.S.C. 470ee(d). TVA's regulations implementing ARPA replicate these prohibitions and criminal sanctions. *See* 18 CFR 1312.4.

[2] The AA prohibits, among other things, the excavation, destruction or appropriation of an object of antiquity situated on federal lands without the permission of the head of the agency having jurisdiction over those lands. *See* 16 U.S.C. 433. Any violation of these provisions is subject to criminal sanctions. *Id.*

[3] Under Section 21(a) of the TVA Act, "[a]ll general penal statutes relating to larceny, embezzlement, conversion, or to the improper handling, retention, use or disposal of—property of the United States, shall apply to the—property of the Corporation and to—*properties of the United States entrusted to the Corporation.*" 16 U.S.C. 831t(a) (emphasis added).

[4] *See* 16 U.S.C. 831c–3(c)(2) (authorizing TVA's law enforcement agents to exercise their law enforcement duties and powers on non-TVA lands (1) when the person to be arrested is in the process of fleeing to avoid arrest or (2) in conjunction with the protection of TVA property.)

[5] Section 3401 of Title 18, United States Code, provides that "any United States magistrate judge shall have jurisdiction to try persons accused of, and sentence persons convicted of, misdemeanors committed within that judicial district." 18 U.S.C. 3401(a).

■ 4. Amend § 1312.3 by adding paragraph (j) to read as follows:

§ 1312.3 Definitions

(j) "Director" means the Director of TVA Police and Emergency Management assigned the function and responsibility of supervising TVA employees designated as law enforcement agents under 16 U.S.C. 831c–3(a).

■ 5. Add § 1312.22, shown below, to Part 1312 to read as follows:

§ 1312.22 Issuance of Citations for Petty Offenses

Any person who violates any provision contained in 16 U.S.C. 470ee or 16 U.S.C. 433 in the presence of a TVA law enforcement agent may be tried and sentenced in accordance with the provisions of section 3401 of Title 18, United States Code. Law enforcement agents designated by the Director for that purpose shall have the authority to issue a petty offense citation for any such violation, requiring any person charged with the violation to appear before a United States Magistrate Judge within whose jurisdiction the archaeological resource impacted by the violation is located. The term "petty offense" has the same meaning given that term under section 19 of Title 8, United States Code.

Dated: May 10, 2016.

Rebecca C. Tolene,

Deputy General Counsel and Vice President, Natural Resources.

[FR Doc. 2016–11686 Filed 5–19–16; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

[Docket No. 160506400–6400–01]

RIN 0625–AB05

Modification of Regulation Regarding Written Argument: Establishing Word Limits for Case and Rebuttal Briefs in Antidumping and Countervailing Duty Proceedings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Proposed rule and request for comments.

SUMMARY: The Department of Commerce ("the Department") proposes to modify the regulation pertaining to written argument in antidumping and countervailing duty proceedings and is seeking comments from parties. This modification, if adopted, is intended to establish word limits for submission of case and rebuttal briefs. This action is necessary to streamline the process contained in the current regulation, to better align with current Department practices and to reduce the strain on resources.

DATES: To be assured of consideration, written comments must be received no later than June 20, 2016.

ADDRESSES: All comments must be submitted through the Federal eRulemaking Portal at *http://www.regulations.gov,* Docket No. ITA–2016–0001, unless the commenter does not have access to the Internet. Commenters that do not have access to the internet may submit the original and one electronic copy of each set of comments by mail or hand delivery/courier. All comments should be addressed to Paul Piquado, Assistant Secretary for Enforcement & Compliance, Room 1870, Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230. Comments submitted to the Department will be uploaded to the eRulemaking Portal at *www.Regulations.gov.*

The Department will consider all comments received before the close of the comment period. All comments responding to this notice will be a matter of public record and will be available on the Federal eRulemaking Portal at *www.Regulations.gov.* The Department will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason.

Any questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Moustapha Sylla, Enforcement and Compliance Webmaster, at (202) 482–4685, email address: *webmaster-support@ita.doc.gov.*

FOR FURTHER INFORMATION CONTACT: Myrna Lobo at (202) 482–2371 or Michele Lynch at (202) 482–2879.

SUPPLEMENTARY INFORMATION:

Background

Section 351.309 of the Department's regulations sets forth limits for the submission of case and rebuttal briefs and provides guidance on what should be contained in these documents. However, unlike other Federal Agencies (*e.g.,* the International Trade Commission, Department of Labor, or the Internal Revenue Service Tax Court),[1] the Department does not currently limit the length of such briefs. As a result, submissions may contain lengthy or duplicative arguments in antidumping and countervailing duty proceedings. The review and summarization of these lengthy submissions consumes considerable resources. To reduce the strain on limited resources and streamline the process, the Department proposes amending 19 CFR 351.309 to impose word limits on case and rebuttal briefs.

The proposed revision would set forth a limit of 25,000 words in total for each party's case and rebuttal briefs. A party may decide on the number of words it chooses to allocate among its case brief and rebuttal brief, but the combined total between the two shall not exceed 25,000 words. Each case brief must contain a certification by the filing party or its representative, indicating the number of words used in the brief, and the number of unused words remaining for the rebuttal brief. Each rebuttal brief must contain a certification by the filing party or its representative indicating the number of words used and that the total combined word limit of 25,000 words has not been exceeded. The word limit will include all attachments, headings, footnotes, endnotes, and quotations used in the document; it will not include the table of contents, table of statutes, regulations and cases cited, and summary of arguments that preface the arguments in the brief, referenced in paragraphs (c)(2) and (d)(2) of the revised regulation below. In determining the word count, a party may rely on the software program used to prepare the brief. Briefs in excess of the word count shall be rejected and shall be considered untimely.

If an interested party challenges a party's word count, such a filing must be made within 48 hours of the filing of the final version of the case or reply brief in ACCESS.[2] While parties may not be able to view another party's business proprietary case brief in ACCESS and may have to rely on being served the brief by the filing party, we note that 19 CFR 351.303(f)(3)(i) contains specific rules for service of briefs. Case briefs must be served on persons on the service list[3] the same day that they are filed with the Department by personal service or by overnight mail or courier the next day which we find provides adequate time for a party's challenge to be filed within the 48-hour window.[4] The Department will evaluate challenges received and determine the proper course of action.

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[1] The United States Court of International Trade and the United States Court of Appeals for the Federal Circuit also impose word limits on briefs.

[2] Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System ("ACCESS"). ACCESS is available to registered users at *https://access.trade.gov.*

[3] 19 CFR 103(d)(2).

Where the Department finds that good cause exists, the word limit may be revised by the Department if a party makes such a request. Such requests must be received sufficiently in advance of the briefing deadlines to be considered.

The Department is issuing this proposed rule to modify the regulation at issue pursuant to Administrative Procedure Act (5 U.S.C. 553) notice and comment procedures; we invite comments from all interested parties.

Proposed Modification

The Department proposes to modify 19 CFR 351.309, to include new paragraph (e) on word limits, as indicated below and to make conforming amendments to 19 CFR 351.309(a), (b), and (c). These modifications, if adopted, are intended to establish word limits for case and rebuttal briefs, as well as the accompanying requirements for imposing word limits. This rulemaking would be effective for proceedings initiated on or after 30 days following the date of publication of the final rule. This proposed rule makes additional minor edits to § 351.309: (1) The words "or countervailing duty" are being added to § 351.309(b)(1) and (c)(1)(iii) to be consistent with § 351.214(k), and (2) the Roman numerals (i) and (ii) in current § 351.309(e), which is proposed § 351.309(f), have been amended to be Arabic numbers (1) and (2) to be consistent with the other paragraphs of the regulation.

The Department invites parties to comment on this proposed rule and the proposed effective date. Further, any party may submit comments expressing its disagreement with the Department's proposal and may propose an alternative approach.

Classifications

Executive Order 12866

It has been determined that this proposed rule is not significant for purposes of Executive Order 12866.

Paperwork Reduction Act

This proposed rule contains no new collection of information subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Executive Order 13132

This proposed rule does not contain policies with federalism implications as that term is defined in section 1(a) of Executive Order 13132, dated August 4, 1999 (64 FR 43255 (August 10, 1999)).

Regulatory Flexibility Act

The Chief Counsel for Regulation has certified to the Chief Counsel for Advocacy of the Small Business Administration under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the proposed rule would not have a significant economic impact on a substantial number of small business entities. A summary of the need for, objectives of and legal basis for this rule is provided in the preamble, and is not repeated here.

The entities upon which this rulemaking could have an impact include foreign exporters and producers, some of whom are affiliated with U.S. companies, and U.S. importers. Enforcement & Compliance currently does not have information on the number of entities that would be considered small under the Small Business Administration's size standards for small businesses in the relevant industries. However, some of these entities may be considered small entities under the appropriate industry size standards. Although this proposed rule may indirectly impact small entities that are parties to individual antidumping or countervailing duty proceedings, it will not have a significant economic impact on any entities.

The proposed action is merely to streamline the process contained in the current Department regulations. If the proposed rule is implemented, no entities would be required to undertake additional compliance measures or expenditures. Rather, the regulation, in this proposed rulemaking, is to reduce the burden placed on the Department and interested parties when lengthy or duplicative arguments are made in case briefs and then must be addressed. Because the proposed rule imposes limits on the submissions of case and rebuttal briefs in an antidumping or countervailing duty proceeding, it does not place a burden on or directly impact any business entities. The proposed rule merely strengthens the current regulations to better align with current Departmental practices. Therefore, the proposed rule would not have a significant economic impact on a substantial number of small business entities. For this reason, an Initial Regulatory Flexibility Analysis is not required and one has not been prepared.

List of Subjects in 19 CFR Part 351

Administrative practice and procedure, Antidumping, Business and industry, Cheese, Confidential business information, Countervailing duties, Freedom of information, Investigations, Reporting and recordkeeping requirements.

Dated: May 12, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

For the reasons stated, 19 CFR part 351 is proposed to be amended as follows:

PART 351—ANTIDUMPING AND COUNTERVAILING DUTIES

■ 1. The authority citation for 19 CFR part 351 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.;* and 19 U.S.C. 3538.

■ 2. Section 351.309 is revised to read as follows:

§ 351.309 Written argument.

(a) *Introduction.* Written argument may be submitted during the course of an antidumping or countervailing duty proceeding. This section sets forth the time and word limits for submission of case and rebuttal briefs and provides guidance on what should be contained in these documents.

(b) *Written argument*—(1) *In general.* In making the final determination in a countervailing duty investigation or antidumping investigation, or the final results of an administrative review, new shipper review, expedited antidumping or countervailing duty review, section 753 review, or section 762 review, the Secretary will consider written arguments in case or rebuttal briefs filed within the time and word limits in this section.

(2) *Written argument on request.* Notwithstanding paragraph (b)(1) of this section, the Secretary may request written argument on any issue from any person or U.S. Government agency at any time during a proceeding.

(c) *Case brief.* (1) Any interested party or U.S. Government agency may submit a "case brief" within:

(i) For a final determination in a countervailing duty investigation or antidumping investigation, or for the final results of a full sunset review, 50 days after the date of publication of the preliminary determination or results of review, as applicable, unless the Secretary alters the time limit;

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[4] For parties that have designated an agent to receive service that is located outside the United States, and served case briefs by first class airmail in accordance with 19 CFR 351.303(f)(3)(i), the Department will consider on a case-by-case basis the time allowed to that party to challenge another party's word count.

(ii) For the final results of an administrative review, new shipper review, changed circumstances review, or section 762 review, 30 days after the date of publication of the preliminary results of review, unless the Secretary alters the time limit; or

(iii) For the final results of an expedited sunset review, expedited antidumping or countervailing duty review, Article 8 violation review, Article 4/Article 7 review, or section 753 review, a date specified by the Secretary.

(2) The case brief must present all arguments that continue in the submitter's view to be relevant to the Secretary's final determination or final results, including any arguments presented before the date of publication of the preliminary determination or preliminary results. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

(d) *Rebuttal brief.* (1) Any interested party or U.S. Government agency may submit a "rebuttal brief" within five days after the time limit for filing the case brief, unless the Secretary alters this time limit.

(2) The rebuttal brief may respond only to arguments raised in case briefs and should identify the arguments to which it is responding. As part of the rebuttal brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

(e) *Word limits.* (1) Except with the consent of Enforcement & Compliance for good cause, each party shall use no more than 25,000 words total between its case and rebuttal briefs. The allocation of the 25,000 words between case and rebuttal briefs is left to each party. All attachments to such briefs, headings, footnotes, endnotes, and quotations shall be included in the word limitation. The summary of arguments and the table of statutes, regulations and cases cited referenced in paragraphs (c)(2) and (d)(2) of this section shall not be included in the word limitation.

(2) The case brief, if any, shall contain a certification by the party or its representative indicating the number of words in the brief and the number of words available for the rebuttal brief. The rebuttal brief, if any, shall contain a certification by the party or its representative indicating the number of words in the brief and certifying that the total word limit of 25,000 has not been exceeded in the party's combined case and rebuttal brief word limit. The party filing the certification may rely on the word count of the software program used to prepare the brief. Briefs in excess of the word limitation shall be rejected and shall be considered untimely. Challenges to opposing party's word count must be filed with the agency within 48 hours of the filing of the case or reply brief and accompanying certifications or the challenge will not be considered. If a person has designated an agent to receive service that is located outside the United States, and served briefs by first class airmail in accordance with 19 CFR 351.303(f)(3)(i), the agency will consider on a case-by-case basis the time allowed to that person to challenge a party's word count.

(f) *Comments on adequacy of response and appropriateness of expedited sunset review*—(1) *In general.* Where the Secretary determines that respondent interested parties provided inadequate response to a notice of initiation (see § 351.218(e)(1)(ii)) and has notified the International Trade Commission as such under § 351.218(e)(1)(ii)(C), interested parties (and industrial users and consumer organizations) that submitted a complete substantive response to the notice of initiation under § 351.218(d)(3) may file comments on whether an expedited sunset review under section 751(c)(3)(B) of the Act and § 351.218(e)(1)(ii)(B) or (C) is appropriate based on the adequacy of responses to the notice of initiation. These comments may not include any new factual information or evidence (such as supplementation of a substantive response to the notice of initiation) and are limited to five pages.

(2) *Time limit for filing comments.* Comments on adequacy of response and appropriateness of expedited sunset review must be filed not later than 70 days after the date publication in the **Federal Register** of the notice of initiation.

[FR Doc. 2016–11864 Filed 5–19–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 175, 176, 177, and 178

[Docket No. FDA–2016–F–1253]

Breast Cancer Fund, Center for Environmental Health, Center for Food Safety, Center for Science in the Public Interest, Clean Water Action, Consumer Federation of America, Earthjustice, Environmental Defense Fund, Improving Kids' Environment, Learning Disabilities Association of America, and Natural Resources Defense Council; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Breast Cancer Fund, Center for Environmental Health, Center for Food Safety, Center for Science in the Public Interest, Clean Water Action, Consumer Federation of America, Earthjustice, Environmental Defense Fund, Improving Kids' Environment, Learning Disabilities Association of America, and Natural Resources Defense Council proposing that we amend and/or revoke specified regulations to no longer provide for the food contact use of specified ortho-phthalates.

DATES: The food additive petition was filed on April 12, 2016. Submit either electronic or written comments by July 19, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2016–F–1253 for "Breast Cancer Fund, Center for Environmental Health, Center for Food Safety, Center for Science In The Public Interest, Clean Water Action, Consumer Federation of America, Earthjustice, Environmental Defense Fund, Improving Kids' Environment, Learning Disabilities Association of America, and Natural Resources Defense Council; Filing of Food Additive Petition." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kelly Randolph, Center for Food Safety and Applied Nutrition (HFS–275), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1188.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 6B4815), submitted by Breast Cancer Fund, Center for Science in the Public Interest, Center for Environmental Health, Center for Food Safety, Clean Water Action, Consumer Federation of America, Earthjustice, Environmental Defense Fund, Improving Kids' Environment, Learning Disabilities Association of America, and Natural Resources Defense Council, c/o Mr. Thomas Neltner, 1875 Connecticut Ave. NW., Suite 600, Washington, DC 20009. The submission proposes that we amend and/or revoke specified food additive regulations under 21 CFR parts 175, 176, 177, and 178 to no longer provide for the food contact use of specified ortho-phthalates. We have filed this portion of the submission as a food additive petition. The submission also requests that we amend our regulations in 21 CFR part 181 related to prior-sanctioned uses of specified ortho-phthalates and issue a new regulation in 21 CFR part 189 prohibiting the use of eight specific ortho-phthalates. We have declined to file these portions of the submission as a food additive petition.

II. Amendment of 21 CFR Parts 175, 176, 177, and 178

In accordance with the procedures for amending or revoking a food additive regulation in § 171.130 (21 CFR 171.130), the petition asks us to amend parts 175, 176, 177, and 178 to no longer provide for the food contact use of certain specified ortho-phthalates. The specified ortho-phthalates and corresponding regulations in parts 175, 176, 177, and 178 are as follows:

§ 175.105 Adhesives

Butyl benzyl phthalate (CAS No. 85–68–7), Butyldecyl phthalate (CAS No. 89–19–0), Butyloctyl phthalate (CAS No. 84–78–6), Butyl phthalate butyl glycolate (CAS No. 85–70–1), Di(butoxyethyl) phthalate (CAS No.117–83–9), Dibutyl phthalate (CAS No. 84–74–2), Dicyclohexyl phthalate (CAS No. 84–61–7), Di(2-ethylhexyl)hexahydrophthalate, Di(2-ethylhexyl)phthalate (CAS No. 117–81–7), Diethyl phthalate (CAS No. 84–66–2), Dihexyl phthalate (CAS No. 84–75–3), Dihydroabietylphthalate (CAS No. 26760–71–4), Diisobutyl phthalate (CAS No. 84–69–5), Diisodecyl phthalate (CAS No. 26761–40–0), Diisooctyl phthalate (CAS No. 27554–26–3), Dimethyl phthalate (CAS No. 131–11–3), Dioctyl phthalate (CAS No. 117–84–0), Diphenyl phthalate (CAS No. 84–62–8), Ethyl phthalyl ethyl glycolate (CAS No. 84–72–0), Methyl phthalyl ethyl glycolate (CAS No. 85–71–2), Octyldecyl phthalate (CAS No. 119–07–3), and Diallyl phthalate (CAS No. 131–17–9).

§ 175.300 Resinous and Polymeric Coatings

Dibutyl phthalate (CAS No. 84–74–2), Diethyl phthalate (CAS No. 84–66–2), Diisooctyl phthalate (CAS No. 27554–26–3), Di(2-ethylhexyl) phthalate (CAS No. 117–81–7), and Diisodecyl phthalate (CAS No. 26761–40–0).

§ 175.320 Resinous and Polymeric Coatings for Polyolefin Films

Butyl phthalyl butyl glycolate (CAS No. 85–70–1), Diethyl phthalate (CAS No. 84–66–2), and Ethyl phthalyl ethyl glycolate (CAS No. 84–72–0).

§ 176.170 Components of Paper and Paperboard in Contact With Aqueous and Fatty Foods

Butylbenzyl phthalate (CAS No. 85–68–7), Dibutyl phthalate (CAS No. 84–74–2), Dicyclohexyl phthalate (CAS No. 84–61–7), and Diallyl phthalate (CAS No. 131–17–9).

§ 176.180 Components of Paper and Paperboard in Contact With Dry Food

Butyl benzyl phthalate (CAS No. 85–68–7) and Diallyl phthalate (CAS No. 131–17–9).

§ 176.210 Defoaming Agents Used in the Manufacture of Paper and Paperboard

Di(2-ethylhexyl) phthalate (CAS No. 117–81–7).

§ 176.300 Slimicides

Dibutyl phthalate (CAS No. 84–74–2), Didecyl phthalate (CAS No. 84–77–5), and Dodecyl phthalate (CAS No. 21577–80–0).

§ 177.1010 Acrylic and Modified Acrylic Plastics, Semirigid and Rigid

Di(2-ethylhexyl) phthalate (CAS No. 117–81–7) and Dimethyl phthalate (CAS No. 131–11–3).

§ 177.1200 Cellophane

Castor oil phthalate with adipic acid and fumaric acid diethylene glycol polyester (CAS No. 68650–73–7), Castor oil phthalate, hydrogentated (FDA No. 977037–59–4), Dibutylphthalate (CAS No. 84–74–2), Dicyclohexyl phthalate (CAS No. 84–61–7), Di(2-ethylhexy) phthalate (CAS No. 117–81–7), Diisobutyl phthalate (CAS No. 84–69–5), and Dimethylcyclohexyl phthalate (CAS No. 1322–94–7).

§ 177.1210 Closures With Sealing Gaskets for Food Containers

Diisodecyl phthalate (CAS No. 26761–40–0).

§ 177.1460 Melamine-Formaldehyde Resins in Molded Articles

Dioctyl phthalate (CAS No. 117–84–0).

§ 177.1590 Polyester Elastomers

Dimethyl orthophthalate (CAS No. 131–11–3).

§ 177.2420 Polyester Resins, Cross-Linked

Butyl benzyl phthalate (CAS No. 85–68–7), Dibutyl phthalate (CAS No. 84–74–2), and Dimethyl phthalate (CAS No. 131–11–3).

§ 177.2600 Rubber Articles Intended for Repeated Use

Diphenylguanidine phthalate (CAS No. 17573–13–6), Amyl decyl phthalate (CAS No. 7493–81–4), Dibutyl phthalate (CAS No. 84–74–2), Didecyl phthalate (CAS No. 84–77–5), Diisodecyl phthalate (CAS No. 26761–40–0), Dioctyl phthalate (CAS No. 117–84–0), and Octyl decyl phthalate (CAS No. 119–07–3).

§ 178.3740 Plasticizers in Polymeric Substances

Butylbenzyl phthalate (CAS No. 85–68–7), Dicyclohexyl phthalate (CAS No. 84–61–7), Diisononyl phthalate (CAS No. 28553–12–0), Dihexyl phthalate (CAS No. 84–75–3), and Diphenyl phthalate (CAS No. 84–62–8).

§ 178.3910 Surface Lubricants Used in the Manufacture of Metallic Articles

Diisodecyl phthalate (CAS No. 26761–40–0), Di(2-ethylhexyl) phthalate (CAS No. 117–81–7), and Diethyl phthalate (CAS No. 84–66–2).

The petitioners request FDA to consider that ortho-phthalates are a class of chemically and pharmacologically related substances, and state that there is no longer a reasonable certainty of no harm for the food contact uses of the specified ortho-phthalates. If we determine that new data are available that justify amending the specified food additive regulations in parts 175, 176, 177, and 178 so that they will no longer provide for the use of the ortho-phthalates, we will publish such an amendment of these regulations in the **Federal Register**, as set forth in § 171.130 and § 171.100 (21 CFR 171.100).

III. Amendment of 21 CFR 181.27

A portion of the submission relates to uses of five ortho-phthalates that are listed in § 181.27 as prior-sanctioned. Those five ortho-phthalates are as follows: Diethyl phthalate (CAS No. 84–66–2), Ethyl phthalyl ethyl glycolate (CAS No. 84–72–0), Butyl phthalyl butyl glycolate (CAS No. 85–70–1), Diisooctyl phthalate (CAS No. 27554–26–3), and Di(2-ethylhexyl) phthalate (CAS No. 117–81–7). FDA has not filed as part of the food additive petition the request to revoke these prior sanctions. Section 201(s) of the FD&C Act exempts prior-sanctioned materials from the definition of a food additive (21 U.S.C. 321(s)). Therefore, the request to revoke the prior-sanction for these substances is not within the scope of a food additive petition under section 409(b) of the FD&C Act ("a petition proposing the issuance of a regulation prescribing the conditions under which such [food] additive may be safety used"). We have informed petitioners that they may submit a citizen petition under 21 CFR 10.30 requesting that FDA take this action.

IV. New Regulation in 21 CFR Part 189

A portion of the submission requests that FDA prohibit the food contact use of the following eight ortho-phthalates: Diisobutyl phthalate (CAS No. 84–69–5), Di-n-butyl phthalate (CAS No. 84–74–2), Butyl benzyl phthalate (CAS No. 85–68–7), Dicyclohexyl phthalate (CAS No. 84–61–7), Di-n-hexyl phthalate (CAS No. 84–75–3), Diisooctyl phthalate (CAS No. 27554–26–3), Di(2-ethylhexyl) phthalate (CAS No. 117–81–7), and Diisononyl phthalate (CAS No. 28553–12–0). The submission requests that FDA take this action by issuing a new regulation in part 189. FDA has not filed as part of the food additive petition the request to issue the proposed regulation in part 189. Such a request is not within the scope of a food additive petition under section 409(b) of the FD&C Act ("a petition proposing the issuance of a regulation prescribing the conditions under which such [food] additive may be safety used"). We have informed petitioners that they may submit a citizen petition under 21 CFR 10.30 requesting that FDA take this action.

We also are reviewing the potential environmental impact of the petitioners' requested action. The petitioners have claimed a categorical exclusion from preparing an environmental assessment or environmental impact statement under 21 CFR 25.32(m). In accordance with regulations promulgated under the National Environmental Policy Act (40 CFR 1506.6(b)), we are placing the environmental document submitted with the subject petition on public display at the Division of Dockets Management (see **ADDRESSES**) so that interested persons may review the document. If we determine that the petitioners' claim of categorical exclusion is warranted and that neither an environmental assessment nor environmental impact statement is required, we will announce our determination in the **Federal Register** if this petition results in an amended regulation(s). If we determine that the claim of categorical exclusion is not warranted we will place the environmental assessment on public display at the Division of Dockets Management and provide notice in the **Federal Register** announcing its availability for review and comment.

Dated: May 13, 2016.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Additive Safety and Applied Nutrition.

[FR Doc. 2016–11866 Filed 5–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 800

[Docket ID: OSM–2016–0006; S1D1S SS08011000 SX064A000 167S180110; S2D2S SS08011000 SX064A000 16XS501520]

Petition To Initiate Rulemaking; Ensuring That Companies With a History of Financial Insolvency, and Their Subsidiary Companies, Are Not Allowed to Self-Bond Coal Mining Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of petition to initiate rulemaking and request for comments on the petition.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), seek comments concerning a petition, submitted pursuant to the Surface Mining Control and Reclamation Act (SMCRA or the Act), requesting that we amend our self-bonding regulations to ensure that companies with a history of financial insolvency, and their subsidiary companies, are not allowed to self-bond coal mining operations. We are requesting comments on the merits of the petition and the rule changes suggested in the petition. Comments received will assist the Director of OSMRE in making the decision whether to grant or deny the petition.

DATES: *Electronic or written comments:* We will accept written comments on the petition on or before June 20, 2016.

ADDRESSES: You may submit comments by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. The petition has been assigned Docket ID: OSM–2016–0006. Please follow the online instructions for submitting comments.

Mail/Hand-Delivery/Courier: Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252 SIB, 1951 Constitution Avenue NW., Washington, DC 20240. Please include the Docket ID: OSM–2016–0006.

FOR FURTHER INFORMATION CONTACT: Michael Kuhns, Division of Regulatory Support, 1951 Constitution Ave. NW., Washington, DC 20240; Telephone: 202–208–2860; Email: *mkuhns@osmre.gov.*

SUPPLEMENTARY INFORMATION:

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II. What action does the petition request that we take?
III. How may I view the petition and exhibits?
IV. How do I submit comments on the petition?
V. Procedural Matters and Required Determinations

I. How does the petition process operate?

Section 201(g) of SMCRA, 30 U.S.C. 1201(g), provides that any person may petition the Director of OSMRE to initiate a proceeding for the issuance, amendment, or repeal of any regulation adopted under SMCRA. It also specifies that the Director shall either grant or deny the petition within 90 days after receipt. OSMRE's regulations at 30 CFR 700.12 further implement this statutory provision.

Under 30 CFR 700.12(c), the Director is required to determine if the petition sets forth facts, technical justification and law which may provide a reasonable basis for issuance, amendment or repeal of a regulation. If the Director determines that the petition has a reasonable basis, a notice shall be published in the **Federal Register** seeking comments from the public on the proposed change specified in the petition. This **Federal Register** document is the notice required by the regulations.

At the close of the comment period, the Director decides to either grant or deny the petition, in whole or in part. We will publish notice of that decision in the **Federal Register**. If the Director grants the petition, we will then initiate rulemaking proceedings in which we again seek public comment before adopting a final rule. If the Director denies a petition, we notify the petitioner of the reasons for the decision not to initiate any rulemaking action pursuant to the petition. In accordance with 30 CFR 700.12(d), the Director's decision on a petition is a final decision for the Department, which means that the petitioner is not entitled to review by the Office of Hearings and Appeals.

II. What action does the petition request that we take?

On March 3, 2016, we received from WildEarth Guardians a petition for rulemaking requesting that OSMRE amend its self-bonding regulations at 30 CFR 800.23 to ensure that companies with a history of financial insolvency, and their subsidiary companies, are not allowed to self-bond coal mining operations. The petition claims that current rules allow regulatory authorities to accept self-bond guarantees from subsidiary companies that are technically insolvent due to the financial status of their parent corporations, potentially shifting the financial burden for substantial mine reclamation costs to American taxpayers in the event the companies do not have the financial resources to complete their mine reclamation obligations.

In its petition, WildEarth Guardians provides draft regulatory language that it alleges will ensure that any entity, including non-parent corporate guarantors, will be subject to appropriate financial scrutiny before being allowed to self-bond. Specifically, WildEarth Guardians requests that we revise our self-bonding regulations to define *ultimate parent corporation,* limit the total amount of present and proposed self-bonds to not exceed twenty-five (25) percent of the ultimate parent corporation's tangible net worth in the United States, and require that both the self-bonding applicant and its parent corporation meet any self-bonding financial conditions in 30 CFR 800.23, including the requirement that neither have filed for bankruptcy in the last five (5) years.

III. How may I view the petition and exhibits?

The petition and exhibits can be viewed and downloaded at *http://www.regulations.gov.* The petition has been assigned Docket ID: OSM–2016–0006. The petition and exhibits also are available for inspection at the location listed under **ADDRESSES.**

IV. How do I submit comments on the petition?

General Guidance

We are seeking comment on the merits of the petition and the requested rule changes. The energy industry is in the midst of a major transformation. Low domestic and global demand for coal, plentiful low-cost shale gas and fuel switching and coal power plant retirements by utilities, the highest coal stockpile inventories in 25 years, unsuccessful business decisions, and projections of declining coal demand have created significant challenges for the coal industry.

SMCRA allows States to accept self-bonds, but requires that the bond be sufficient to assure the completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture. 30 U.S.C. 1259(a). Eighteen States allow self-bonding under their regulations and eleven states currently have self-bonded sites. According to the most recent data from the States, outstanding self-bond obligations total approximately $3.86

billion, much of which involves non-parent guarantees.

Several large coal companies have filed for bankruptcy protection. These companies provided, and several States elected to accept, over $2.4 billion in self-bonds to ensure that lands and waters impacted by coal mining were restored. Several large coal mining companies have recently filed for bankruptcy, raising concerns for State regulators, OSMRE, the Department of the Interior, Members of Congress, citizens and many other stakeholders.

There is a concern about whether disturbed coal mines will be reclaimed by the bankrupt companies; whether the bankrupt companies will abandon their legal obligations to restore impacted lands and waters; whether the costs to restore the land and water will be shifted to taxpayers; and, whether the existing regulations are adequate to protect people, communities, and the environment as envisioned by Congress when it enacted SMCRA.

OSMRE will evaluate whether the changes proposed in the rulemaking petition are necessary or adequate to address deficiencies in the current regulations and practices. We ask all States, stakeholders and the public to consider whether the changes proposed by petitioners, or other changes beyond what the petitioners have proposed, should be made. We also request you articulate what those changes should be and why they should be made.

We will review and consider all comments submitted to the addresses listed above (see **ADDRESSES**) by the close of the comment period (see **DATES**).

Please include the Docket ID "OSM–2016–0006" at the beginning of all written comments. We cannot ensure that comments received after the close of the comment period (see **DATES**) or at locations other than those listed above (see **ADDRESSES**) will be included in the docket or considered in the development of a proposed rule.

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

We will not hold a public hearing on the petition. The petitioner did not request a hearing and we have determined under 30 CFR 700.12(c) that no hearing is necessary.

V. Procedural Matters and Required Determinations

This notice of availability is not a proposed or final rule, policy, or guidance. Therefore, it is not subject to the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Paperwork Reduction Act, the Unfunded Mandates Reform Act, or Executive Orders 12866, 13563, 12630, 13132, 12988, 13175, and 13211. We will conduct the analyses required by these laws and executive orders only if we decide to grant the petition and develop a proposed rule.

In developing this notice of availability, we did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554, section 15).

This notice of availability is not subject to the requirement to prepare an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(C), because no proposed action, as described in 40 CFR 1508.18(a) and (b), yet exists. This notice of availability only seeks public comment on whether the Director should grant the petition and initiate rulemaking. If the Director ultimately grants the petition, we will prepare the appropriate NEPA compliance documents as part of the rulemaking process.

List of Subjects in 30 CFR Part 800

Environmental protection, Bonding and Insurance requirements, Surface coal mining, Reclamation.

Dated: May 9, 2016.

Joseph G. Pizarchik,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2016–11755 Filed 5–19–16; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SATS No. AL–079–FOR; Docket ID: OSM–2016–0005; S1D1S SS08011000 SX064A000 166S180110; S2D2S SS08011000 SX064A000 16XS501520]

Alabama Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama proposes revisions to its Program to closely follow the Federal regulations regarding awarding of appropriate costs and expenses including attorneys' fees.

This document gives the times and locations that the Alabama program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., c.t., June 20, 2016. If requested, we will hold a public hearing on the amendment on June 14, 2016. We will accept requests to speak at a hearing until 4:00 p.m., c.t. on June 6, 2016.

ADDRESSES: You may submit comments, identified by SATS No. AL–079–FOR by any of the following methods:

- *Mail/Hand Delivery:* Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209
- *Fax:* (205) 290–7280
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM–2016–0005. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Alabama program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Birmingham Field Office or the full text of the program amendment is available for you to review at *www.regulations.gov*.Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290–7282, Email: *swilson@osmre.gov*.

In addition, you may review a copy of the amendment during regular business hours at the following location:

Alabama Surface Mining Commission,
1811 Second Ave., P.O. Box 2390,
Jasper, Alabama 35502–2390,
Telephone: (205) 221–4130.

FOR FURTHER INFORMATION CONTACT: Sherry Wilson, Director, Birmingham Field Office. Telephone: (205) 290–7282. Email: *swilson@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Alabama Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Alabama program effective May 20, 1982. You can find background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Alabama program in the May 20, 1982, **Federal Register** (47 FR 22030). You can also find later actions concerning the Alabama program and program amendments at 30 CFR 901.10, 901.15 and 901.16.

II. Description of the Proposed Amendment

By letter dated March 18, 2016 (Administrative Record No. AL–0669), Alabama sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Alabama. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

Alabama Code 880–X–5A-.35—Assessment of Costs

Alabama proposes to revise language providing appropriate costs and expenses to any party only if a person initiated or participated in a proceeding in bad faith for the purpose of harassing or embarrassing the permittee or State Regulatory Authority.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.t. on June 6, 2016. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rulemaking is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved,

approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 7, 2016.

Ervin J. Barchenger,

Regional Director, Mid-Continent Region.

[FR Doc. 2016–11246 Filed 5–19–16; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2016–0158]

RIN 1625–AA08

Special Local Regulation; Ohio River, Lawrenceburg, IN

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation for all waters of the Ohio River, surface to bottom, extending from Ohio River mile 492.0 to 495.5 at Lawrenceburg, IN, June 18, 2016 with an alternate date of June 19, 2016. This special local regulation is necessary to provide for the safety of life on these navigable waters near Lawrenceburg, IN, during a high-speed boat race on June 18, 2016. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 6, 2016.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0158 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Andrew Prescott, Sector Ohio Valley, U.S. Coast Guard; telephone 502–779–5334, email *Andrew.J.Prescott@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR	Code of Federal Regulations
DHS	Department of Homeland Security
E.O.	Executive order
FR	Federal Register
NPRM	Notice of proposed rulemaking
U.S.C.	United States Code

II. Background, Purpose, and Legal Basis

On January 29, 2016, the Breakwater Powerboat Association notified the Coast Guard that it will be sponsoring a high-speed boat race from 7:30 a.m. to 6:30 p.m. on June 18, 2016. Alternate time and date will be from 10:00 a.m. to 2:00 p.m. June 19, 2016. The boat race will take place at Ohio River mile 492.0 to 495.5 in the vicinity of Lawrenceburg, IN. The Captain of the Port Ohio Valley (COTP) has determined that potential hazards associated with a high- speed regatta would be a safety concern for anyone within in the regulated area.

The purpose of this rulemaking is to ensure the safety of vessels, spectators and the navigable waters within the regulated area before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a special local regulation from 7:30 a.m. to 6:30 p.m. on June 18, 2016. The special local regulation would cover all navigable waters of the Ohio River from mile 492.0 to 495.5 in Lawrenceburg, IN. The duration of the regulated area is intended to ensure the safety of vessels, spectators and these navigable waters before, during, and after the scheduled high-speed regatta. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders (E.O.s) related to rulemaking. Below we summarize our analyses based on a number of these statutes and E.O.s, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a "significant regulatory action," under E.O. 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulated area, and the rule would allow vessels to seek permission to enter the regulated area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the regulated area may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this proposed rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321– 4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation lasting less than 12 hours that would prohibit entry within the regulated area. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov*. If your material cannot be submitted using *http://www.regulations.gov*, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, and Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C 1233.

■ 2. Add temporary *§ 100.35T08–0158 to read as follows:*

§ 100.35T08–0158 Special Local Regulation; Ohio River Mile 492.0 to 495.5, Lawrenceburg, IN.

(a) *Location.* All waters of the Ohio River beginning at mile marker 492.0 and ending at mile marker 495.5 at Lawrenceburg, IN.

(b) *Periods of Enforcement.* This rule will be enforced from 7:30 a.m. to 6:30 p.m. on June 18, 2016, unless the event is delayed due to weather. If delayed, it will be enforced from 10:00 a.m. to 2:00 p.m. June 19, 2016. The Captain of the Port Ohio Valley or a designated representative will inform the public through broadcast notice to mariners of the enforcement period for the special local regulation.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.801 of this part, entry into this area is prohibited unless authorized by the Captain of the Port Ohio Valley or a designated representative.

(2) Persons or vessels requiring entry into or passage through the area must request permission from the Captain of the Port Ohio Valley or a designated representative. U. S. Coast Guard Sector Ohio Valley may be contacted on VHF Channel 13 or 16, or at 1–800–253–7465.

Dated: April 29, 2016.

R.V. Timme,

Captain, U. S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2016–11823 Filed 5–19–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0189; FRL–9946–61–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Volatile Organic Compound Emissions From Fiberglass Boat Manufacturing Materials

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Pennsylvania state implementation plan (SIP) submitted by the Commonwealth of Pennsylvania. This SIP revision pertains to Pennsylvania's regulation for fiberglass boat manufacturing materials found in section 129.74 of the Pennsylvania Code. This regulation meets the requirement to adopt reasonably available control technology (RACT) for sources covered by EPA's control techniques guidelines (CTG) standards for fiberglass boat manufacturing materials. EPA is, therefore, proposing approval of the revision to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before June 20, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0189 at *http://www.regulations.gov,* or via email to *fernandez.cristina@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the "For Further Information Contact" section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM), including RACT, for sources of emissions. Section 182(b)(2)(A) provides that for certain nonattainment areas, states must revise their SIPs to include RACT for sources of volatile organic compound (VOC) emissions covered by a CTG document issued after November 15, 1990 and prior to the area's date of attainment. EPA defines RACT as "the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility." 44 FR 53761 (September 17, 1979). In subsequent **Federal Register** notices, EPA has addressed how states can meet the RACT requirements of the CAA.

CTGs are intended to provide state and local air pollution control authorities information that should assist them in determining RACT for VOCs from various sources of fiberglass boat manufacturing. EPA has not published a previous CTG for fiberglass boat manufacturing materials, but did publish an assessment of VOC emissions from fiberglass boat manufacturing in 1990. The 1990 assessment defined the nature and scope of VOC emissions from fiberglass boat manufacturing, characterized the industry, estimated per plant and national VOC emissions, and identified and evaluated potential control options. In 2001, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing, 40 CFR part 63, subpart VVVV (2001 NESHAP). The 2001 NESHAP established organic hazardous air pollutant (HAP) emissions limits based on low-HAP resins and gel coats and low-emitting resin application technology. Several of the air pollution control districts in California have specific regulations that control VOC emissions from fiberglass boat manufacturing operations as part of their regulations for limiting VOC emissions from polyester resin operations. Several other states also have regulations that address VOC emissions from fiberglass boat manufacturing as part of polyester resin operations. After reviewing the 1990 VOC assessment, the 2001 NESHAP, and existing California district and other state VOC emission reduction approaches, and after considering information obtained since the issuance of the 2001 NESHAP, EPA developed a CTG entitled *Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials* (Publication No. EPA 453/R–08–004; September 2008).

The CTG for fiberglass boat manufacturing materials provides control recommendations for reducing VOC emissions from the use of gel coats, resins, and materials used to clean application equipment in fiberglass boat manufacturing operations. This CTG applies to facilities that manufacture hulls or decks of boats from fiberglass, or build molds to make fiberglass boat hulls or decks. EPA's 2008 CTG recommends that the following operations should be covered: Open molding resin and gel coat operations (these include pigmented gel coat, clear gel coat, production resin, tooling gel coat, and tooling resin); resin and gel coat mixing operations; and resin and gel coat application equipment cleaning operations.

EPA's 2008 CTG recommends the following VOC reduction measures: VOC emission limits for molding resins and gel coats; work practices for resin and gel coat mixing containers; and VOC content and vapor pressure limits for cleaning materials. Recommended VOC emission limits for open molding resin and gel coat operations are shown in Table 1. A more detailed explanation for determining the VOC emission limits for molding resin and gel coats can be found in the Technical Support Document (TSD) for this rulemaking under Docket ID No. EPA–R03–OAR–2016–0189 and available online at *www.regulations.gov.*

TABLE 1—MONOMER VOC CONTENT LIMITATIONS FOR OPEN MOLDING RESIN AND GEL COAT OPERATIONS

Materials	Application method	Individual monomer VOC content or weight average monomer VOC content limit (weight percent)
Production Resin	Atomized (spray)	28
Production Resin	Nonatomized	35
Pigmented Gel Coat	Any Method	33
Clear Gel Coat	Any Method	48
Tooling Resin	Atomized	30
Tooling Resin	Nonatomized	39
Tooling Gel Coat	Any Method	40

II. Summary of SIP Revision

On March 2, 2016, the Pennsylvania Department of Environmental Protection (PADEP) submitted to EPA a SIP revision concerning implementation of RACT requirements for the control of VOC emissions from fiberglass boat manufacturing materials. Pennsylvania is adopting EPA's CTG standards for fiberglass boat manufacturing materials, including the emission limits found in Table 1. The regulation is contained in 25 *Pa. Code* Chapter 129 (relating to standards for sources), and this SIP revision seeks to add 25 *Pa. Code* section 129.74 (control of VOC emissions from fiberglass boat manufacturing materials) to the Pennsylvania SIP. In addition to adopting EPA's CTG standards, 25 *Pa. Code* section 129.74 includes numerous terms and definitions to support the interpretation of the measures, as well as work practices for cleaning; compliance and monitoring requirements; sampling and testing; and record keeping requirements. EPA finds the provisions in 25 *Pa. Code* section 129.74 identical to the CTG standards for fiberglass boat manufacturing materials and is therefore approvable in accordance with sections 172(c)(1) and 182(b)(2)(A) of the CAA. For more detailed analysis by EPA of how 25 *Pa. Code* section 129.74 addresses the CTG, see the TSD for this rulemaking.

This SIP revision also notes that the requirements of 25 *Pa. Code* section 129.74 supersede the requirements of a RACT permit issued under 25 *Pa. Code* sections 129.91–129.95 prior to December 19, 2015 to the owner or operator of a source subject to 25 *Pa. Code* section 129.74 to control, reduce, or minimize VOCs from a fiberglass boat manufacturing process, except to the extent the RACT permit contains more stringent requirements.

III. Proposed Action

EPA is proposing to approve the March 2, 2016 Pennsylvania SIP revision pertaining to adding 25 *Pa. Code* section 129.74 to the Pennsylvania SIP because section 129.74 meets the requirement to adopt RACT for sources covered by EPA's CTG standards for fiberglass boat manufacturing materials. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed rulemaking action, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference 25 *Pa. Code* section 129.74 into the Pennsylvania SIP. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or may be viewed at the EPA Region III office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule concerning Pennsylvania's control of VOC emissions from fiberglass boat manufacturing materials does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 3, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2016–11845 Filed 5–19–16; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0054; FRL–9946–67–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Emissions From Various Processes and Fuel-Burning Equipment From Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to conditionally approve a revision to the Maryland state implementation plan (SIP) submitted by the Maryland Department of the Environment (MDE) on October 15, 2014. The SIP revision adds and amends regulations in the SIP which control emissions from various processes and fuel-burning equipment at Kraft pulp mills. The SIP revision includes the following: (1) A new definition for "NO_X Ozone Season Allowance;" (2) a new regulation with nitrogen oxides (NO_X) limits for fuel-burning equipment located at Kraft pulp mills; (3) a removal and relocation of existing NO_X reasonably available control technology (RACT) requirements for Kraft pulp mills into another Maryland regulation; and (4) a revised regulation which clarifies the volatile organic compound (VOC) control system and emission requirements for several process installations at Kraft pulp mills. EPA proposes a conditional approval because the new Maryland definition references the defunct Clean Air Interstate Rule (CAIR) and because MDE provided a commitment to remove all references to CAIR within the definition of "NO_X Ozone Season Allowance" and submit a revised definition as a new SIP revision, no later than a year from EPA finalizing this conditional approval. Upon timely meeting of this commitment, EPA will propose to convert the conditional approval of the SIP revision to a final approval. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments on EPA's proposed conditional approval must be received on or before June 20, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0054 at *http://www.regulations.gov,* or via email to *fernandez.cristina@epa.gov.* For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, (215) 814–2036, or by email at *becoat.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 15, 2014, EPA received a revision to the State of Maryland's SIP submitted by MDE. The SIP revision includes Maryland regulations which control emissions from various processes and fuel-burning equipment at Kraft pulp mills and which clarify the VOC control system and requirements for several process installations at Kraft pulp mills.

I. Background

In the October 15, 2014 SIP revision, MDE's submittal included a definition for "NO_X Ozone Season Allowance" which references a defunct CAA program, CAIR. EPA discussed with MDE the need to remove all references to CAIR within the definition of "NO_X Ozone Season Allowance," for EPA to approve the October 15, 2014 SIP revision.

In May 2005, EPA promulgated CAIR which required certain states to reduce emissions of sulfur dioxide (SO_2) and NO_X that significantly contribute to downwind nonattainment of the 1997 national ambient air quality standard (NAAQS) for fine particulate matter ($PM_{2.5}$) and ozone. 70 FR 25162 (May 12, 2005). After litigation in the United States Court of Appeals for the D.C. Circuit (D.C. Circuit) which remanded CAIR to EPA, EPA promulgated the Cross State Air Pollution Rule (CSAPR) to replace CAIR and to help states reduce air pollution and attain CAA standards. 76 FR 48208 (August 8, 2011).[1] In subsequent, additional litigation, CSAPR was initially vacated by the D.C. Circuit but upheld by the U.S. Supreme Court. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). EPA began implementing CSAPR in January 2015 as CAIR's replacement. *See* 79 FR 71663 (December 3, 2014) (interim final rulemaking issued after DC Circuit lifted stay on CSAPR).[2]

On September 29, 2015, EPA received a supplemental letter from MDE committing to remove all references to CAIR within the definition of "NO_X Ozone Season Allowance," as a SIP revision, no later than a year from EPA finalizing our conditional approval of the SIP submittal. Upon final approval of the revised definition of "NO_X Ozone Season Allowance" as a SIP revision, EPA will convert the conditional approval of the October 15, 2014 SIP submission with the regulations and requirements for Kraft pulp mills to a full approval.

II. Summary of SIP Revision

MDE's SIP revision includes amended and new regulations in order to control emissions from various processes and fuel-burning equipment at Kraft pulp mills. The SIP revision submittal includes an amendment to the Code of Maryland Regulations (COMAR) 26.11.01.01—"General Administrative Provisions" in order to add a definition for "NO_X Ozone Season Allowance." This definition was added to the COMAR by Maryland because the NO_X emission limitations for the Kraft pulp mills rely on use of NO_X allowances. Because the definition in COMAR 26.11.01.01 makes references to CAIR which sunset on December 31, 2014 as

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[1] CSAPR requires substantial reductions of SO_2 and NOx emissions in 28 states in the eastern United States that significantly contribute to downwind nonattainment of the 1997 $PM_{2.5}$ and ozone NAAQS and 2006 $PM_{2.5}$ NAAQS.

[2] Thus, after December 31, 2014, CAIR was replaced by CSAPR and was a defunct, moot CAA program no longer implemented by EPA.

EPA is now implementing CSAPR, EPA cannot fully approve the definition for "NO_X Ozone Season Allowance." MDE has committed to remove references to CAIR and submit a revised definition in a separate SIP submittal. The October 15, 2014 SIP revision also seeks to add to the SIP COMAR 26.11.14.07—"Control of NO_X Emissions from Fuel Burning Equipment" in order to: (1) Establish the applicability and NO_X emission standards to any fuel burning equipment with a maximum design heat input capacity of greater than 250 million British thermal unit (Btu) per hour located at any Kraft pulp mill; (2) establish NO_X emission limits for Kraft pulp mills including an emission rate of 0.70 pounds of NO_X per million Btu, an emission limit of 947 tons of NO_X during the period May 1 through September 30 of each year, and an emission rate of 0.99 pounds of NO_X per million Btu during the period of October 1 through April 30 of each year; (3) establish the requirements for demonstrating compliance with the NO_X limits; (4) permit pulp mills to secure up to 95 allowances for each period in which a mill exceeds the 947 ton emission cap from May through September 30 of each year; (5) specify the process of achieving compliance through the use of allowances; and (6) establish monitoring and reporting requirements. The NO_X emission limitations of 0.70 pounds of NO_X per million Btu from May 1 through September 30 of each year and 0.99 pounds of NO_X per million Btu during the period of October 1 through April 30 of each year were previously included in COMAR 26.11.09.08 and are already included in the Maryland SIP. *See* 69 FR 56170 (September 20, 2004). Thus, these provisions are not new to the SIP, but merely relocated. Pursuant to the NO_X SIP Call at COMAR 26.11.29 and .30, the sole Kraft pulp mill in Maryland was allocated 947 allowances for NO_X emissions. COMAR 26.11.29 and .30 are in the existing Maryland SIP. With this SIP revision, Maryland seeks to include the 947 ton NO_X cap in the Maryland SIP at COMAR 26.11.14.07. Thus, the October 15, 2014 SIP revision simply relocates the 947 ton NO_X cap within the Maryland SIP.

The SIP revision also includes an amended COMAR 26.11.09.08—"Control of NO_X Emissions for Major Stationary Sources" in order to remove from this provision subsection (C)(h) which has NO_X requirements for the fuel burning equipment at non-electric generating facilities. Maryland requests removal of this subsection (C)(h) of COMAR 26.11.09.08 from the Maryland SIP because the NO_X requirements for pulp mills to meet a NO_X emissions rate of 0.70 pounds per million Btu during the period May 1 to September 30 of each year and 0.99 during the period October 1 through April 30 of each year have been relocated to COMAR 26.11.14.07.

Finally, the SIP revision also includes a revised COMAR 26.11.14.06—"Control of Volatile Organic Compounds" in order to: (1) Clarify that air emissions from brown stock washers are to be collected and combusted; (2) clarify that evaporators, digester blow tank systems, and brown stock wasters shall be controlled by removing 90 percent (90%) or more of the condensate VOC loading by demonstrating a VOC removal or destruction efficiency of the condensate stream stripper of 90% or greater or a system analysis of these units; and (3) specify approvable testing methods to demonstrate the collective VOC removal efficiency of the condensate steam stripper and other control systems as required. This provision will reduce VOC emissions from Kraft pulp mills and will strengthen the Maryland SIP.

A full explanation of the SIP revision and EPA's analysis of the revision are contained in the technical support document (TSD) prepared in support of this proposed rulemaking. A copy of this TSD is located in the docket of this proposed rulemaking and is available online at *www.regulations.gov.*

III. Proposed Action

EPA is proposing to conditionally approve the Maryland October 15, 2014 SIP revision concerning the regulations and requirements to control NO_X and VOC emissions from various processes and fuel-burning equipment at Kraft pulp mills as it strengthens the SIP with provisions related to controlling emissions of NO_X and VOC. Pursuant to section 110(k)(4) of the CAA, EPA's proposal is to conditionally approve the October 15, 2014 SIP revision because Maryland committed in a letter dated September 29, 2015 to submit to EPA a SIP revision removing all references to CAIR, a defunct CAA program, within the definition of "NO_X Ozone Season Allowance" in COMAR 26.11.01.01, no later than a year from EPA finalizing our conditional approval.

When EPA approves the revised definition of "NO_X Ozone Season Allowance" in COMAR 26.11.01.01, EPA will remove the conditional nature of its approval, and the October 15, 2014 SIP revision will, at that time, receive a full approval status. Should MDE fail to meet the condition specified in this rulemaking action, the final conditional approval of the SIP revision will convert to a disapproval. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed rulemaking action, EPA is proposing to include in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revisions to COMAR 26.11.01.01, COMAR 26.11.14.07, COMAR 26.11.09.08, and COMAR 26.11.14.06 as previously discussed. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or may be viewed at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, pertaining to the regulations and requirements for the control of emissions from various processes and fuel-burning equipment from Kraft pulp mills, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 3, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2016–11844 Filed 5–19–16; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278; FCC 16–57]

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) invites comment on proposed revisions to its rules under the Telephone Consumer Protection Act (TCPA) to implement a provision of the Bipartisan Budget Act of 2015 that excepts from the TCPA's prior-express-consent requirement autodialed and prerecorded calls "made solely to collect a debt owed to or guaranteed by the United States."

DATES: Comments are due on or before June 6, 2016. Reply comments are due on or before June 21, 2016.

ADDRESSES: You may submit comments identified by CG Docket No. 02–278 by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site: *http://apps.fcc.gov/ecfs/*. Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket No. 02–278.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kristi Thornton, Consumer Policy Division, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554 by phone at (202) 418–2467 or by email at: *Kristi.Thornton@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*), Rules and Regulations Implementing the TCPA of 1991, CG Docket No. 02–278, FCC 16–57, adopted May 24, 2016, and released May 6, 2016. A copy of document FCC 16–57 and any subsequently filed documents in this matter will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554, (202) 418–0270. The full text of document FCC 16–57 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. A copy of document FCC 16–57 and any subsequently filed documents in this matter may also be found by searching ECFS at: *http://apps.fcc.gov/ecfs/* (insert CG Docket No. 02–278 into the Proceeding block).

Pursuant to 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using ECFS. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial Mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street SW., Washington, DC 20554.

Pursuant to § 1.1200 of the Commission's rules, 47 CFR 1.1200, this matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Document FCC 16–57 can also be downloaded in Word or Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/policy.*

Initial Paperwork Reduction Act of 1995 Analysis

Document FCC 16–57 seeks comment on proposed rule amendments that may result in modified information collection requirements. If the Commission adopts any modified information collection requirements, the Commission will publish another notice in the **Federal Register** inviting the public to comment on the requirements, as required by the Paperwork Reduction Act. Public Law 104–13; 44 U.S.C. 3501–3520. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. Public Law 107–198; 44 U.S.C. 3506(c)(4).

Synopsis of the Notice of Proposed Rulemaking

1. In the *NPRM,* the Commission seeks comment on implementation of the Bipartisan Budget Act of 2015 (Budget Act) amendments. Among other things, the Commission seeks comment on a number of implementation questions, such as which calls are covered by the phrase "solely to collect," how it should restrict the number and duration of such calls, and how to implement such restrictions.

Background

A. Covered Calls

2. *At what point is a call to collect a debt a covered call?* The Commission turns first to the phrase "solely to collect a debt" and seeks comment regarding the parameters of that phrase, including how the Commission should interpret "solely" and "collect." The Commission's proposal, to ensure that debtors do not receive non-consent calls before failing to make a timely payment, is to interpret "solely to collect a debt" to mean only those calls made to obtain payment after the borrower is delinquent on a payment. The Commission seeks comment on this proposal, including how the Commission should interpret "delinquent" for these purposes, and any alternative approaches. The Commission also seeks comment on the alternative that covered calls may only be made after the debtor is in default, how the Commission should define "default," and whether it should distinguish between default caused by non-payment and a default resulting from a different cause under the terms of the debt instrument.

3. *Are debt servicing calls covered?* The Commission notes that debt servicing calls may provide a valuable service by offering information about options and programs designed to keep at-risk debtors from defaulting or becoming delinquent on their loans. Helping a debtor avoid delinquency or default can preserve the person's payment history and credit rating, and help maintain eligibility for future loans. The potential value of these debt servicing calls, and the probability that servicing calls will create conditions for debtors that allow debts to be more readily collected by the United States, leads the Commission to propose that servicing calls should be included in covered calls. The Commission seeks comment on this proposal and, if adopted, how to ensure it does not result in the types of calls consumers would not want, such as marketing calls. The Commission seeks comment on what initiating event should enable a creditor or entity acting on a creditor's behalf to begin making covered calls to convey debt servicing information. Its proposal, above, is that covered calls begin when a borrower is delinquent on a payment; should delinquency also be the initiating event for debt servicing calls, or should some other event trigger a caller's ability to make servicing calls under the exception? What should the trigger event be?

4. The Commission seeks comment on the definition of "servicing" that should guide its analysis in this regard. Should servicing calls include calls informing debtors how to reduce payment amounts; consolidate, modify, or restructure loans; change payment dates; or other matters indirectly related to seeking payment? The Commission proposes that permissible "servicing" calls only refer to calls made by the creditor and those entities acting on behalf of the creditor. The Commission seeks comment on this proposal.

5. *"Owed to or guaranteed by the United States."* The Commission seeks comment on the meaning of the phrase "a debt owed to or guaranteed by the United States." What is a debt "owed to" the United States and a debt "guaranteed by" the United States? Does the phrase "owed to or guaranteed by" include debts insured by the United States? Should the Commission look to or adopt the definition of "debt" in the DCIA? Why or why not?

6. The Commission also seeks comment on whether there are any circumstances under which a party other than the federal government obtains a pecuniary interest in a debt such that the debt should no longer be considered to be "owed to . . . the United States." Basic contract principles dictate that when an owner sells an item, it no longer belongs to the original owner, but to the purchaser. Likewise, the purchaser of a debt is owed the repayment obligation, not the prior obligee. For example, would a debt still be "owed to . . . the United States" if the right to repayment is transferred in whole or part to anyone other than the United States, or a collection agency collects the funds and then remits to the federal government a percentage of the amount collected? Are there specific types of debts that are covered or not covered by the phrase "debt owed to or guaranteed by the United States," such as federal student loans, Small Business Administration loans, and federally guaranteed mortgages? Are there any other factors the Commission should consider in determining which types of debts should be included or excluded from this phrase for purposes of implementing the Budget Act amendments to the TCPA? If so, what are those factors? Consistent with the focus of the amended statutory language on debts "owed to or guaranteed by the United States," should the Commission also require that the content of covered calls be limited to such debts, and that such calls not be permitted to include content concerning other debts or matters about which the caller may want to speak with the debtor? Similarly, can the Commission and should the Commission place any limits on a covered caller using or transferring (such as by sale) information (such as the debtor's location or phone number) obtained during covered calls in order to collect other debts or to address other matters?

7. *Who can be called?* The Commission seeks comment on the person or persons to whom covered calls may be made. The Commission believes the most reasonable way to read the phrase "solely to collect a debt" is to include only calls to the person or persons obligated to pay the debt because it appears impossible that calls to non-debtors by their nature would directly result in collection from the debtor. The Commission believes this approach will ensure that a debtor's family, friends, and other acquaintances will not be subject to non-consent robocalls seeking information about the debtor. The Commission seeks comment on this proposal and the related question of whether it should limit covered calls to the cellular telephone number the debtor provided to the creditor, *e.g.,* on a loan application.

8. The Commission seeks comment on whether calls to persons the caller *does not intend to reach,* that is persons whom the caller might believe to be the debtor but is not, are covered by the

exception. Parties seeking debtors' current telephone numbers often use techniques such as skip tracing, which are not guaranteed to identify the debtor. The Commission proposes to exclude such calls from the exception to encourage callers to avoid robocalling unwitting individuals who have no connection to the debtor. Similarly, and consistent with its recent robocalls decision, the Commission proposes that calls to a wireless number a debtor provided to a creditor, but which has been reassigned unbeknownst to the caller, are not covered by the exception, but have the same one-call window the Commission has found to constitute a reasonable opportunity to learn of reassignment. The Commission seeks comment on its proposals and any alternatives.

9. *Who may call?* The Commission next seeks comment on who may make the covered calls at issue. As amended, the relevant portion of the TCPA reads: "It shall be unlawful for any person . . . to make any call . . . using any [autodialer] or an artificial or prerecorded voice to any [wireless number] unless such call is made solely to collect a debt owed to or guaranteed by the United States." This provision is not clear as to who may make calls covered by the exception. The Commission believes the most reasonable way to interpret this language is to include calls made by creditors and those calling on their behalf, including their agents. Is there a limiting principle to determining who should be deemed to be acting on behalf of the creditor? The Commission seeks comment on its interpretation and whether it should interpret the statute to include other callers and, if so, who. Alternatively, should the Commission interpret the statute to apply more narrowly to only the creditor or to the creditor and its agents acting within the actual scope of their authority?

10. The Commission notes that petitions pending before the Commission seek clarification regarding the meaning of "person" and whether the federal government or its agents are persons for purposes of the TCPA, among other things. The Commission seeks comment on whether the Budget Act amendments imply that the federal government is a person for TCPA purposes and whether the Commission must resolve these questions in order to complete this rulemaking. The Commission also seeks comment on whether and, if so, how the Supreme Court's recent decision in *Campbell-Ewald Co.* v. *Gomez* should inform the implementation of the Budget Act amendments to the TCPA.

B. Limits on Number and Duration of Covered Calls

11. *Need for restrictions.* In considering the need for restrictions on covered calls, the Commission notes the volume of consumer complaints, as set forth above. These factors, along with Congress' explicit statement that the Commission "shall prescribe regulations to implement the amendments made by" the Budget Act, and Congress' authorization that the Commission "may restrict or limit the number and duration of calls made to a telephone number assigned to a cellular telephone service to collect a debt owed to or guaranteed by the United States," lead the Commission to propose that it does so here. The Commission seeks comment on its proposal and on what types of number and duration restrictions it should adopt for the covered calls. Apart from its specific proposals and questions below, the Commission seeks comment generally on what other actions it should consider to reduce unwanted debt collection robocalls to consumers.

12. *If adopted, the nature of restrictions.* The Commission seeks comment on how it should restrict or limit the number and duration of covered calls, including both collection calls and debt servicing calls. Consistent with the conditions the Commission has adopted when granting exemptions to permit certain free-to-end-user robocalls to be made without consent of the called party, and regardless of whether the caller leaves a prerecorded or artificial-voice message or whether the call is an autodialed call resulting in a live conversation, the Commission proposes to restrict the number of covered calls to three per month, per delinquency only after delinquency. The Commission believes three calls per month provides an adequate opportunity to convey necessary information about the debt, repayment, and other matters the caller wishes to communicate without the consent of the called party and, in any case, affords callers an opportunity to obtain the debtor's consent to make additional calls beyond any limit the Commission adopts. The Commission proposes that the limit on the number of calls should be for any initiated calls, even if unanswered by a person, because many consumers may choose not to answer calls from unfamiliar numbers. These limits would apply to autodialed, prerecorded, or artificial voice calls to wireless numbers. In the case of autodialed calls, the limits apply whether they use a prerecorded or artificial voice or instead attempt to connect the called debtor with a live agent. The Commission sees potential value, however, in debtors hearing from a live agent to discuss the debt and potential servicing options and seeks comment on whether and how it should encourage that approach. The Commission seeks comment on these proposals. The Commission also seeks comment on the maximum duration of a voice call, and whether the Commission should adopt different duration limits for prerecorded- or artificial-voice calls than for autodialed calls with a live caller. Should there be a limit on the length of text messages? What should that limit be? The Commission also seeks comment on how to count debt servicing calls for purposes of the proposed three-call limit per month or any other limit on the number of calls.

13. *Should the Commission look to other standards or precedents for guidance?* For example, should the Commission restrict calls to the hours of 8:00 a.m. to 9:00 p.m. (local time at the called party's location), similar to the rule that now applies to telemarketing calls? Should the Commission consider any limits on the number of calls pursuant to the Fair Debt Collection Practices Act if it adopts such limits here? How should the Commission take account of any limits adopted by the Consumer Financial Protection Bureau? Are there other standards or precedents, including restrictions that might exist under either federal or state debt collection laws, the Commission should consider? Are calls covered by the Budget Act exception subject to other laws and rules that more generally govern debt collection and, if so, how should the Commission harmonize any overlapping requirements?

14. *Consumer ability to stop covered calls.* The Commission has determined that an ability to stop unwanted calls is critical to the TCPA's goal of consumer protection. That right may be more important here, where consumers need not consent to the calls in advance in order for a caller to make the calls. The Commission proposes, therefore, that consumers should have a right to stop such calls at any point the consumer wishes. The Commission seeks comment on its proposal. For example, does the amended law allow the Commission to require that a caller limit covered calls to the first of (1) a specific number (perhaps within a set period of time) or (2) until the consumer says "stop"? The Commission proposes that stop-calling requests should apply to a subsequent collector of the same debt. The Commission seeks comment on this proposal and how it might ensure that

a request to stop such calls be honored if later transferred to other collectors. Should the Commission require that callers making covered calls record any request to stop calling and provide a record of such a request to subsequent callers along with other information about the debt?

15. The Commission also proposes, so that consumers fully understand any right it adopts to stop calls, to require callers to inform debtors of their right to make such a request. The Commission seeks comment on this proposal and on when and how callers should provide such notice. For example, should the permissible ways to opt out of further calls under the TCPA—*i.e.*, any reasonable method, including orally or in response to a text message—apply here? Should the Commission require callers making artificial- or prerecorded-voice calls to include an automated, interactive voice- and/or key press-activated opt-out mechanism for stopping future excepted calls?

C. Other Implementation Issues

16. *Covered Calls to Residential Lines.* The Commission noted that under its current rules, artificial- or prerecorded-voice calls to residential lines that are made for the purpose of collecting a debt are currently not subject to the prior express consent requirement. Although the TCPA allows for broad application of the prior express consent requirement to all non-emergency artificial- and prerecorded-voice calls to residential lines, the Commission has exercised its statutory exemption authority so as to apply the consent requirement only to calls that include or introduce an advertisement or constitute telemarketing. The Commission has also found that debt collection calls do not constitute telemarketing. Accordingly, the consent exception under the Budget Act currently does not appear to affect whether artificial- or prerecorded-voice calls to residential lines for the purpose of collecting a covered debt require prior express consent.

17. The Commission nonetheless proposes to revise its rule concerning artificial- or prerecorded-voice calls to residential lines to reflect the exception contained in the Budget Act. The Commission does not believe, however, that it is necessary at the present time to determine the exact contours of the statutory exception for covered calls to residential lines, including, for example, determining the specific impact of the somewhat different language in the Budget Act amendments with regard to covered calls to residential lines and to wireless numbers. The Commission seeks comment on these views, and on whether it should consider any additional issues concerning covered calls. For example, should any limits on the number and duration of covered calls also apply to covered calls to residential lines, even though such calls would not have required prior express consent even before the Budget Act amendments to the TCPA?

18. *Restrictions on Calls to Cellular Telephone Service.* Congress authorized the Commission to "restrict or limit the number and duration of calls made to a telephone number assigned to a cellular telephone service to collect a debt owed to or guaranteed by the United States." Yet, the amendment to the TCPA, authorizing calls made to collect a debt owed to or guaranteed by the United States, is broader, applying to "any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call." Considering the identical language in the prior delegation of authority in 47 U.S.C. 227(b)(2)(C), the Commission proposes that Congress delegated the Commission authority to limit the number and duration of all calls made pursuant to the debt collection exception in 47 U.S.C. 227(b)(1)(A)(iii).

19. Congress, in granting the Commission authority to limit the number and duration of calls, used identical language to the language it used in the separate delegation of authority in 47 U.S.C. 227(b)(2)(C). The identical language in these two delegations of authority indicates that Congress intended the two provisions to apply to the same services.

20. The Commission has interpreted 47 U.S.C. 227(b)(2)(C) to apply to all services mentioned in 47 U.S.C. 227(b)(1)(A)(iii). In so doing, it has interpreted "cellular telephone service" by asking whether services are functionally equivalent from the consumer perspective rather than on technical or regulatory differences, such as which spectrum block is used to provide the service. This avoids, for example, consumers receiving wireless voice service from being treated differently depending on which spectrum block their carriers use and callers having to determine which spectrum block is used for a particular consumer's service in order to know which requirements apply.

21. Applying the canon of statutory construction that Congress knows the law, including relevant agency interpretations, at the time it adopts a statute, the Commission presumes that Congress knew of the Commission's interpretation of this key language. Congress used the same language in the recent delegation of authority without taking any action to alter the Commission's interpretation of identical language elsewhere in the same statute. The Commission therefore proposes that the authority delegated to it in the new 47 U.S.C. 227(b)(2)(H) added by the Budget Act applies to all services to which amended 47 U.S.C. 227(b)(1)(A)(iii) applies. The Commission seeks comment on this proposal.

22. *Application of Other TCPA Restrictions to Covered Calls.* The Commission believes the most reasonable interpretation is that calls must be in compliance with all other legal requirements—for example, the requirement that artificial- or prerecorded-voice calls contain certain identifying information—in order for the Budget Act consent exception to apply. The Commission seeks comment on this proposal, as well as on whether and how compliance with other legal requirements should affect the application of the Budget Act exception.

Initial Regulatory Flexibility Analysis

23. As required by the Regulatory Flexibility Act of 1980, as amended, (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *NPRM.* Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM provided on the first page of this document. The Commission will send a copy of the *NPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

A. Need for, and Objectives of, the Proposed Rules

24. The *NPRM* contains proposals regarding how to modify the Commission's rules to align them with the amended statutory language of the TCPA enacted by Congress in the Bipartisan Budget Act of 2015 (Budget Act). The *NPRM* seeks comment generally on all entities that make autodialed or prerecorded- or artificial-voice calls to collect debts owed to or guaranteed by the United States. The *NPRM* seeks comment on covered calls. Specifically, the Commission seeks comment on the parameters of the phrase "solely to collect a debt." The Commission seeks comment on whether debt servicing calls are covered. The

Commission seeks comment on the meaning of the phrase "owed to or guaranteed by the United States," including the applicability of the exception to debt insured by or purchased from the United States. The Commission seeks comment on the person or persons to whom covered calls can be made and it seeks comment on who is entitled to make calls under the exception Congress created in the Budget Act.

25. The *NPRM* seeks comment on limits on the number and duration of covered calls. Specifically, the Commission seeks comment on the need for restrictions on covered calls, including types of number and duration restrictions. The Commission seeks comment on the nature of the restrictions, if adopted, including looking to other standards or precedents for guidance. The Commission seeks comment on the consumer's ability to stop covered calls.

26. The *NPRM* seeks comment on other implementation issues. Specifically, the Commission seeks comment on the applicably of the exception to residential lines. The Commission seeks comment on whether the authority delegated to it in the new 47 U.S.C. 227(b)(2)(H) added by the Budget Act applies to all services to which amended 47 U.S.C. 227(b)(1)(A)(iii) applies. The Commission seeks comment on the application of other TCPA restrictions to covered calls. The Commission's underlying concern is to protect small businesses by giving them ample opportunity to comment on the proposed rules under consideration.

27. The Commission's rules restricting the use of automated telephone dialing equipment and artificial or prerecorded voice to call wireless numbers apply to a wide range of entities, including all entities that make such calls or texts to wireless telephone numbers to collect debts owed to or guaranteed by the federal government. Thus, the Commission expects that the proposals in this proceeding could have a significant economic impact on a substantial number of small entities in a wide range of categories.

B. Legal Basis

28. The proposed and anticipated rules are authorized under sections 1–4, 201(b), 227, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201(b), 227, 303(r); and the Bipartisan Budget Act of 2015, Public Law 114–74, 129 Stat. 584.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

29. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that will be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. Under the Small Business Act, a "small business concern" is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).

30. *Collection Agencies.* This industry comprises establishments primarily engaged in collecting payments for claims and remitting payments collected to their clients. The SBA has determined that Collection Agencies with $15 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 4,532 establishments in this category operated throughout that year. Of those, 4,288 establishments operated with annual receipts of less than $10 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

31. *Telemarketing Bureaus and Other Contact Centers.* This U.S. industry comprises establishments primarily engaged in operating call centers that initiate or receive communications for others—via telephone, facsimile, email, or other communication modes—for purposes such as (1) promoting clients products or services, (2) taking orders for clients, (3) soliciting contributions for a client, and (4) providing information or assistance regarding a client's products or services. The SBA has determined that Telemarketing Bureaus and other Contact Centers with $15 million or less in annual receipts qualify as small businesses. U.S. Census data for 2007 indicate that 2,100 firms in this category operated throughout that year. Of those, 1,909 operated with annual receipts of less than $10 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

32. *Commercial Banks and Savings Institutions.* Commercial banks are establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans. Commercial banks and branches of foreign banks are included in this industry. Savings institutions are establishments primarily engaged in accepting time deposits, making mortgage and real estate loans, and investing in high-grade securities. Savings and loan associations and savings banks are included in this industry. The SBA has determined that Commercial Banks and Savings Institutions with $500 million or less in assets qualify as small businesses. December 2013 Call Report data compiled by SNL Financial indicate that 6,877 firms in this category operated throughout that year. Of those, 5,533 qualify as small entities. Based on this data, the Commission concludes that a substantial number of businesses in this category are small under the SBA standard.

33. *Credit Unions.* This industry comprises establishments primarily engaged in accepting members' share deposits in cooperatives that are organized to offer consumer loans to their members. The SBA has determined that Credit Unions with $500 million or less in assets qualify as small businesses. The December 2013 National Credit Union Administration Call Report data indicate that 6,687 firms in this category operated throughout that year. Of those, 6,252 qualify as small entities. Based on this data, the Commission concludes that a substantial number of businesses in this category are small under the SBA standard.

34. *Other Depository Credit Intermediation.* This industry comprises establishments primarily engaged in accepting deposits and lending funds (except commercial banking, savings institutions, and credit unions). Establishments known as industrial banks or Morris Plans and primarily engaged in accepting deposits, and private banks (*i.e.*, unincorporated banks) are included in this industry. The SBA has determined that Other Depository Credit Intermediation entities with $500 million or less in assets qualify as small businesses. Census data for 2007 indicate that 29 firms in this category operated throughout that year. Due to the nature of this category, the Commission concludes that a substantial number of businesses in this category are small under the SBA standard.

35. *Sales Financing.* This industry comprises establishments primarily engaged in sales financing or sales financing in combination with leasing. Sales financing establishments are

primarily engaged in lending money for the purpose of providing collateralized goods through a contractual installment sales agreement, either directly from or through arrangements with dealers. The SBA has determined that Sales Financing entities with $7 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 2,267 firms in this category operated throughout that year. Of those, 1,806 operated with annual receipts of less than $5 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

36. *Consumer Lending.* This U.S. industry comprises establishments primarily engaged in making unsecured cash loans to consumers. The SBA has determined that Consumer Lending entities with $7 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 3,234 firms in this category operated throughout that year. Of those, 2,969 operated with annual receipts of less than $5 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

37. *Real Estate Credit.* This U.S. industry comprises establishments primarily engaged in lending funds with real estate as collateral. The SBA has determined that Real Estate Credit entities with $7 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 5,791 firms in this category operated throughout that year. Of those, 5,036 operated with annual receipts of less than $5 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

38. *International Trade Financing.* This U.S. industry comprises establishments primarily engaged in providing one or more of the following: (1) working capital funds to U.S. exporters; (2) lending funds to foreign buyers of U.S. goods; and/or (3) lending funds to domestic buyers of imported goods. The SBA has determined that International Trade Financing entities with $38.5 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 125 firms in this category operated throughout that year. Of those, 118 operated with annual receipts of less than $25 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

39. *Secondary Market Financing.* This U.S. industry comprises establishments primarily engaged in buying, pooling, and repackaging loans for sale to others on the secondary market. The SBA has determined that Secondary Market Financing entities with $7 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 105 firms in this category operated throughout that year. Of those, 74 operated with annual receipts of less than $5 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

40. *All Other Nondepository Credit Intermediation.* This U.S. industry comprises establishments primarily engaged in providing nondepository credit (except credit card issuing, sales financing, consumer lending, real estate credit, international trade financing, and secondary market financing). Examples of types of lending in this industry are: short-term inventory credit, agricultural lending (except real estate and sales financing), and consumer cash lending secured by personal property. The SBA has determined that All Other Nondepository Credit Intermediation entities with $38.5 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 4,590 firms in this category operated throughout that year. Of those, 4,494 operated with annual receipts of less than $25 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

41. *Mortgage and Nonmortgage Loan Brokers.* This industry comprises establishments primarily engaged in arranging loans by bringing borrowers and lenders together on a commission or fee basis. The SBA has determined that Mortgage and Nonmortgage Loan Brokers with $7 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 17,702 firms in this category operated throughout that year. Of those, 17,393 operated with annual receipts of less than $5 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

42. *Other Activities Related to Credit Intermediation.* This industry comprises establishments primarily engaged in facilitating credit intermediation (except mortgage and loan brokerage; and financial transactions processing, reserve, and clearinghouse activities). The SBA has determined that Other Activities Related to Credit Intermediation entities with $7 million or less in annual receipts qualify as small businesses. Census data for 2007 indicate that 5,494 firms in this category operated throughout that year. Of those, 5,277 operated with annual receipts of less than $5 million. The Commission concludes that a substantial majority of businesses in this category are small under the SBA standard.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

43. Under the current rules, all artificial or prerecorded voice calls to a wireless telephone number are prohibited without prior express consent. The *NPRM* contains proposals regarding how to modify the Commission's rules to align them with the amended statutory language of the TCPA enacted by Congress in the Budget Act, creating an exception that allows calls to wireless telephones made solely pursuant to the collection of a debt owed to or guaranteed by the United States.

44. The proposals under consideration could result in additional costs to regulated entities. If the Commission imposes restrictions on the number and duration of calls to wireless numbers as proposed for comment in the NPRM, then calling entities might incur some additional costs in tracking that information. For example, calling entities might need to modify software, develop tracking procedures, and train staff in order to keep within the restrictions on the number and duration of calls to wireless numbers. However, some calling entities may already track calls and call durations, and therefore, no additional compliance efforts would be required. Calling entities may also be relieved of tracking the consent of the called party, which could offset any new burdens.

45. If the Commission determines that a called party may stop future calls concerning collection of a debt owed to or guaranteed by the United States as proposed for comment in the *NPRM,* then calling entities might incur some additional cost in maintaining do-not-call lists for wireless numbers. Such costs could include software modification, development of procedures, and training. However, some calling entities may already have procedures in place for maintaining do-not-call lists, and therefore, no additional compliance efforts will be required.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

46. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include

the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

47. The Commission believes that any economic burden these proposed rules may have on carriers is outweighed by the benefits to consumers. The compliance costs identified in Section D are small. The Commission seeks comment on how to minimize the economic impact of these proposals. For instance, the Commission seeks comment on the specific costs of the measures discussed in the *NPRM* and ways to mitigate any implementation costs. The Commission also seeks comment on the overall economic impact these proposed rules may have because it seeks to minimize all costs associated with these proposed rules. Finally, the Commission seeks comment on whether to consider the size of the calling entity or the type of debt being collected in determining the appropriate timeframes for implementation.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

48. None.

Ordering Clauses

49. Pursuant to the authority contained in sections 1–4, 227, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 227, 303(r); and the Telephone Consumer Protection Act as amended by the Bipartisan Budget Act of 2015, Public Law 114–74, 129 Stat. 584, document FCC 16–57 *is adopted*.

50. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of document FCC 16–57, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Claims, Communications common carriers, Credit, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 is revised to read as follows:

Authority: 47 U.S.C. 154, 254(k); 403(b)(2)(B), (c), Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 227, 228, 254(k), 616, 620, the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, and Sec. 301, Pub. L. 114–74, 129 Stat. 584 (47 U.S.C. 227) unless otherwise noted.

■ 2. Section 64.1200 is amended by revising paragraphs (a)(1)(iii) and (a)(3)(v), and adding paragraph (a)(3)(vi) to read as follows:

§ 64.1200 Delivery restrictions.

(a) * * *

(1) * * *

(iii) To any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call, unless such call is made solely to collect a debt owed to or guaranteed by the United States.

* * * * *

(3) * * *

(v) Delivers a "health care" message made by, or on behalf of, a "covered entity" or its "business associate," as those terms are defined in the HIPAA Privacy Rule, 15 CFR 160.103;

(vi) Is made solely pursuant to the collection of a debt owed to or guaranteed by the United States.

* * * * *

[FR Doc. 2016–12025 Filed 5–19–16; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 4, 7, 9, 12, 13, 17, 18, 19, 22, 25, 26, 28, 32, 44, and 52

[FAR Case 2015–005; Docket No. 2015–0005, Sequence No. 1]

RIN 9000–AN19

Federal Acquisition Regulation: System for Award Management Registration

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and the National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to update the instructions for System for Award Management (SAM) registration requirements and to correct an inconsistency with offeror representation and certification requirements.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before July 19, 2016 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR case 2015–005 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching "FAR Case 2015–005". Select the link "Comment Now" that corresponds with "FAR Case 2015–005." Follow the instructions provided on the screen. Please include your name, company name (if any), and "FAR Case 2015–005" on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR Case 2015–005, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement

Analyst, at 202–501–1448 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAR Case 2015–005.

SUPPLEMENTARY INFORMATION:

I. Background

Currently, the language in the FAR is not consistent in terms of whether offerors need to be registered in SAM prior to submitting an offer or prior to award. Per FAR clause 52.204–7 an offeror is not "registered in the SAM database" unless an offeror has completed its online annual representations and certifications. FAR 52.204–8(b) and (d) state that if clause 52.204–7 is included in the solicitation, then the offeror verifies by submission of the offer that the representations and certifications in SAM are current and accurate. While the clauses instruct offerors to complete representations and certifications by registering in SAM prior to the submission of offers, the policy at FAR 4.1102 states that SAM registration (which includes online reps and certs) must be completed by the time of award. In order to correct this inconsistency DoD, GSA, and NASA are proposing to amend FAR 4.1102 and 4.1103 to require offeror registration in SAM prior to submission of an offer.

In addition, the proposed rule will require contracting officers to use the name and physical address from the contractor's SAM registration for the provided Data Universal Numbering System (DUNS). We recognize that there is an ongoing FAR case (2015–022, Unique Identification of Entities Receiving Federal Awards) to remove the reference to the DUNS number, and once the final rule from that case is published; references to the DUNS number will be changed. This proposed rule also removes the term "division name" from the FAR text at FAR 4.1102, clause 52.204–13, and provision 52.212–4.

The proposed rule also changes the referenced Web site "acquisition.gov" to "SAM.gov" to be consistent with the rest of the FAR. "Database" is also added to "SAM" so that in the FAR it is clearly understood that the reference is to the "SAM database".

II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This proposed rule is not a major rule under 5 U.S.C. 804.

V. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the proposed rule would only change when an offeror must be registered in SAM. However, an initial regulatory flexibility analysis (IRFA) has been performed and is summarized as follows:

> FAR subpart 4.11 was updated by FAR case 2012–033 which was published in the **Federal Register** at 78 FR 37676 on June 21, 2013, to reflect the retirement of the Central Contractor Registration and Online Representation and Certification Application systems and the implementation of SAM. Since the final rule was published, the Department of Defense (DoD) identified three clarifications that need to be made to the subpart and its associated provisions and clauses.
>
> Currently, the language in the FAR is not consistent in terms of whether offerors need to be registered in SAM prior to submitting an offer or prior to award. Per FAR clause 52.204–7 an offeror is not "registered in the SAM database" unless an offeror has completed its online annual representations and certifications. FAR 52.204–8(b) and (d) state that if clause 52.204–7 is included in the solicitation, then the offeror verifies by submission of the offer that the representations and certifications in SAM are current and accurate. While the clauses instruct offerors to complete representations and certifications by registering in SAM prior to submission of offers, the policy at FAR 4.1102 states that SAM registration (which includes online reps and certs) must be completed by the time of award.
>
> In order to correct this inconsistency the rule proposes that offerors be registered in SAM prior to submission of an offer. Once offerors are registered in SAM they are in the system and are only required to update SAM registration in accordance with the clause. This eliminates the need for potential offerors to complete reps and certs multiple times when responding to solicitations.
>
> The proposed rule would apply to small businesses that submit offers to the Federal Government. The rule contains information collection requirements. OMB has cleared this information collection requirement under OMB Control Number 9000–0159, titled: Central Contractor Registration. GSA has submitted a request to OMB to change the name of the collection to "System for Award Management Registration." That request is pending.
>
> The total number of small businesses in the Federal Procurement Data System (FPDS) for FY 2013 is 111,036. This proposed rule would apply to that number of small businesses, as well as an estimated equal number that did not receive an award for FY 2013.
>
> There will be no burden on small businesses because this proposed rule change does not place any new requirements on small entities. The only change is when the requirement for submission of the representations and certifications must occur.
>
> This proposed rule requires offerors to be registered in SAM prior to submission of an offer. Once offerors are registered in SAM they are in the system and are only required to update SAM registration in accordance with the clause. This eliminates the need for potential offerors to complete representations and certifications multiple times when responding to solicitations.
>
> The proposed rule does not duplicate, overlap, or conflict with any other Federal rules.
>
> There are no significant alternatives to the rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this proposed rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the proposed rule consistent with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2015–005), in correspondence.

VI. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) applies. The proposed rule contains information collection requirements. OMB has cleared this information collection requirement under OMB Control Number 9000–0159; Central Contractor Registration. GSA has submitted a request to OMB to change the name of the collection to "System for Award Management Registration." That request is pending.

List of Subjects in 48 CFR Parts 2, 4, 7, 9, 12, 13, 17, 18, 19, 22, 25, 26, 28, 32, 44, and 52

Government procurement.

Dated: May 17, 2016.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA are proposing to amend 48 CFR parts 2, 4, 7, 9, 12, 13, 17, 18, 19, 22, 25, 26, 28, 32, 44, and 52, as set forth below:

■ 1. The authority citation for 48 CFR parts 2, 4, 7, 9, 12, 13, 17, 18, 19, 22, 25, 26, 28, 32, 44, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 2—DEFINITIONS OF WORDS AND TERMS

2.101 [Amended]

■ 2. Amend section 2.101 in paragraph (b) by removing from the definition "Disaster Response Registry", "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place.

PART 4—ADMINISTRATIVE MATTERS

■ 3. Amend section 4.605 by revising the introductory text of paragraph (c)(2) to read as follows.

4.605 Procedures.

* * * * *

(c) * * *

(2) Authorized generic DUNS numbers, maintained by the Integrated Award Environment (IAE) Business Operations Division program office (*https://www.sam.gov*), may be used to report contracts in lieu of the contractor's actual DUNS number only for—

* * * * *

■ 4. Amend section 4.1102 by—

■ a. Revising the introductory text of paragraph (a);

■ b. Redesignate paragraph (c) as paragraph (d);

■ c. Adding a new paragraph (c); and

■ d. Revising newly redesignated paragraph (d)(1)(i).

The revisions read as follows.

4.1102 Policy.

(a) Prospective contractors shall be registered in the SAM database at the time an offer or quote is submitted in order to comply with the annual representations and certifications requirements (see FAR subpart 4.12) of a contract or agreement, except for—

* * * * *

(c) Contracting officers shall use the legal business name or "doing business as" name and physical address from the contractor's SAM registration for the provided DUNS number to identify the contractor in Schedule A of the contract, similar sections of non-uniform contract formats and agreements, and all corresponding forms and data exchanges. Contracting officers shall make no changes to the data from SAM.

(d)(1)(i) If a contractor has legally changed its business name or "doing business as" name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in subpart 42.12, the contractor shall provide the responsible contracting officer a minimum of one business day's written notification of its intention to: Change the name in the SAM database; comply with the requirements of subpart 42.12; and agree in writing to the timeline and procedures specified by the responsible contracting officer. The contractor must provide with the notification sufficient documentation to support the legally changed name.

* * * * *

■ 5. Revise section 4.1103 to read as follows:

4.1103 Procedures.

(a) Unless the acquisition is exempt under 4.1102, the contracting officer—

(1) Shall verify that the prospective contractor is registered in the SAM database (see paragraph (b) of this section) at the time of offer or quote submission;

(2) Should use the DUNS number or, if applicable, the DUNS+4 number, to verify SAM registration—

(i) Via the Internet via *https://www.sam.gov;*

(ii) As otherwise provided by agency procedures; and

(3) Need not verify SAM registration before placing an order or call if the contract or agreement includes the provision at 52.204–7 System for Award Management, or the clause at 52.212–4 Contract Terms and Conditions—Commercial Items, or a similar agency clause, except when use of the Governmentwide commercial purchase card is contemplated as a method of payment. (See 32.1108(b)(2)).

(b) If the contract action is being awarded pursuant to 4.1102(a)(5), or in a manner that considers other such instances of urgency, the contractor shall be registered in the SAM database within 30 days after contract award, or at least three days prior to submission of the first invoice, whichever occurs first.

(c) Agencies shall protect against improper disclosure of Contractor or offeror SAM information.

(d) The contracting officer shall, on contractual documents transmitted to the payment office, provide the DUNS number, or, if applicable, the DUNS+4, in accordance with agency procedures.

4.1104 [Amended]

■ 6. Amend section 4.1104 by removing from the paragraph "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place.

4.1200 [Amended]

■ 7. Amend section 4.1200 by removing from the introductory text "System for Award Management (SAM)" and adding "System for Award Management (SAM) database" in its place.

4.1201 [Amended]

■ 8. Amend section 4.1201 by—

■ a. Removing from paragraph (a) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place; and

■ b. Removing from paragraph (b)(1) "shall update" and adding "shall review and update" in its place.

PART 7—ACQUISITION PLANNING

7.103 [Amended]

■ 9. Removing from paragraph (y) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place.

PART 9—CONTRACTOR QUALIFICATIONS

■ 10. Amend section 9.404 by—

■ a. Revising the section heading;

■ b. Revising paragraph (a)(1);

■ c. Removing from the introductory text of paragraph (b) "The SAM Exclusions" and adding "An exclusion record in SAM" in its place;

■ d. Removing from paragraph (b)(1) "of all contractors debarred" and adding "of the contractor debarred" in its place;

■ e. Revising paragraph (c); and

■ f. Removing from paragraph (d) "*https://www.acquisition.gov* and adding "*https://www.sam.gov*" in its place.

The revisions read as follows:

9.404 Exclusions in the System for Award Management.

(a) * * *

(1) Operates the web-based System for Award Management (SAM) which contains Exclusions records; and

* * * * *

(c) Each agency must—

(1) Identify the individual(s) responsible for entering and updating exclusions data in SAM and assign the appropriate roles in SAM;

(2) Remove the exclusion roles in SAM when the individual leaves the organization or changes functions;

(3) For each Exclusion accomplished by the Agency enter the information required by paragraph (b) of this section within 3 working days after the action becomes effective;

(4) For each Exclusion accomplished by the Agency determine whether it is legally permitted to enter the SSN, EIN, or other TIN, under agency authority to suspend or debar;

(5) For each Exclusion accomplished by the Agency update the exclusion record in the SAM database, generally within 5 working days after modifying or rescinding an action;

(6) In accordance with internal retention procedures, maintain records relating to each debarment, suspension, or proposed debarment taken by the agency;

(7) Establish procedures to ensure that the agency does not solicit offers from, award contracts to, or consent to subcontracts with contractors who have an active exclusion record in the SAM database, except as otherwise provided in this subpart;

(8) Direct inquiries concerning listed contractors to the agency or other authority that took the action; and

(9) Contact GSA for technical assistance with SAM, via the support email address or on the technical support phone line available at the SAM Web site provided in paragraph (d) of this section.

* * * * *

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.301 [Amended]

■ 11. Removing from paragraphs (d)(1) and (2) "registered in SAM" and adding "registered in the SAM database" in their places, respectively.

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

13.102 [Amended]

■ 12. Amend section 13.102 by removing from paragraph (a) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place.

PART 17—SPECIAL CONTRACTING METHODS

■ 13. Amend section 17.207 by revising paragraph (c)(5) to read as follows.

17.207 Exercise of options.

* * * * *

(c) * * *

(5) The contractor does not have an active exclusion record in the System for Award Management Exclusions database (see FAR 9.405–1);

* * * * *

PART 18—EMERGENCY ACQUISITIONS

■ 14. Revise section 18.102 to read as follows.

18.102 System for Award Management.

Contractors are not required to be registered in the System for Award Management (SAM) database for contracts awarded to support unusual or compelling needs or emergency operations (see 4.1102). However, contractors are required to be registered in the SAM database in order to gain access to the Disaster Response Registry. Contracting officers shall consult the Disaster Response Registry via *https://www.sam.gov* to determine the availability of contractors for debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities inside the United States and outlying areas. (See 26.205).

PART 19—SMALL BUSINESS PROGRAMS

19.307 [Amended]

■ 15. Amend section 19.307 by removing from paragraph (i)(3)(iii) "(SAM)" and adding "(SAM) database" in its place; and removing from paragraph (i)(5)(iii) "designation in SAM" and adding "designation in the SAM database" in its place.

19.308 [Amended]

■ 16. Amend section 19.308 by removing from paragraph (i)(3)(iii) "(SAM)" and adding "(SAM) database" in its place; and removing from paragraph (i)(5)(iii) "designation in SAM" and adding "designation in the SAM database" in its place.

19.1503 [Amended]

■ 17. Amend section 19.1503 by removing from paragraph (b)(1) "(SAM)" and adding "(SAM) database" in its place.

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 18. Amend section 22.1025 by revising the first sentence of the text to read as follows.

22.1025 Ineligibility of violators.

Persons or firms found to be in violation of the Service Contract Labor Standards statute will have an active exclusion record contained in the System for Award Management Exclusions database (see 9.404). * * *

PART 25—FOREIGN ACQUISITION

■ 19. Amend section 25.703–3 by revising paragraph (a) to read as follows.

25.703–3 Prohibition on contracting with entities that export sensitive technology to Iran.

(a) The head of an executive agency may not enter into or extend a contract for the procurement of goods or services with a person that exports certain sensitive technology to Iran, as determined by the President and is listed as being excluded in the System for Award Management database (see via *http://www.sam.gov*) (22 U.S.C. 8515).

* * * * *

PART 26—OTHER SOCIOECONOMIC PROGRAMS

26.205 [Amended]

■ 20. Amended section 26.205 by removing from paragraphs (a) and (b) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in their places.

PART 28—BONDS AND INSURANCE

■ 21. Amend section 28.203–7 by revising paragraph (c); and removing from paragraph (d) "(see 9.404) unless" and adding "(see 9.404), unless" in its place.

The revision reads as follows:

28.203–7 Exclusion of individual sureties.

* * * * *

(c) An individual surety excluded pursuant to this subsection shall be entered in the System for Award Management Exclusions (see 9.404).

* * * * *

PART 32—CONTRACT FINANCING

32.805 [Amended]

■ 22. Amend section 32.805 by removing from paragraph (d)(4) "Management" and adding "Management database" in its place.

32.1108 [Amended]

■ 23. Amend section 32.1108 by removing from paragraph (b)(2)(i) "(SAM)" and adding "(SAM) database" in its place; and removing from paragraph (b)(2)(ii) "SAM indicates" and adding "SAM database indicates" in its place.

■ 24. Amend section 32.1110 by revising the introductory text of paragraph (a)(1) to read as follows:

32.1110 Solicitation provision and contract clauses.

(a) * * *

(1) 52.232–33, Payment by Electronic Funds Transfer—System for Award

Management, in solicitations and contracts that include the provision at 52.204–7, System for Award Management or an agency clause that requires a contractor to be registered in the SAM database and maintain registration until final payment, unless—

* * * * *

PART 44—SUBCONTRACTING POLICIES AND PROCEDURES

■ 25. Amend section 44.202–2 by revising paragraph (a)(13) to read as follows:

44.202–2 Considerations.

(a) * * *

(13) Is the proposed subcontractor listed as being excluded in the System for Award Management database (see subpart 9.4)?

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 26. Amend section 52.204–7 by—
■ a. Revising the date of the provision;
■ b. Revising paragraph (b)(1);
■ c. Removing from paragraph (c)(2)(i) "legal business." and adding "legal business name." in its place;
■ d. Revising paragraph (d);
■ e. Removing paragraphs (e) and (f); and
■ f. Revising the date of Alternate I and paragraph (b)(1) of Alternate I.

The revisions read as follows.

52.204–7 System for Award Management.

* * * * *

System for Award System (Date)

* * * * *

(b)(1) By submission of an offer, the offeror acknowledges that the offeror is registered in the SAM database and the requirement that a prospective awardee shall continue to be registered at time of award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.

* * * * *

(d) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered in the SAM database should consider applying for registration immediately upon receipt of this solicitation. See *https://www.sam.gov* for information on registration.

* * * * *

Alternate I (Date). * * *

(b)(1) By submission of an offer, the offeror acknowledges that the offeror is registered in the SAM database and the requirement that a prospective awardee shall continue to be registered at time of award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.

■ 27. Amend section 52.204–8 by—
■ a. Revising the date of the provision,
■ b. Removing from the introductory text of paragraph (b)(2) "Management (SAM)," and adding "Management (SAM) database" in its place; and
■ c. Removing from paragraph (d) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place.

The revisions read as follows:

52.204–8 Annual Representations and Certifications.

* * * * *

Annual Representations and Certifications (Date)

* * * * *

■ 28. Amend section 52.204–13 by—
■ a. Revising the date of the clause;
■ b. Removing from the first sentence of paragraph (b) "for the accuracy" and adding "for currency, accuracy" in its place; and removing from the last sentence "the SAM does" and adding "the SAM database does" in its place;
■ c. Revising the first sentence of the introductory text of paragraph (c)(1)(i);
■ d. Removing from the second sentence of paragraph (c)(2) "in the SAM" and adding "in the SAM database" in its place; and
■ e. Removing from paragraph (d) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place.

The revisions read as follows:

52.204–13 System for Award Management Maintenance.

* * * * *

System for Award Management Maintenance (Date)

* * * * *

(c) * * *

(1) * * *

(i) If a Contractor has legally changed its business name or doing business as name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day's written notification of its intention to—

* * * * *

■ 29. Amend section 52.209–7 by revising the date of the provision and removing from paragraph (d) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place.

The revision reads as follows:

52.209–7 Information Regarding Responsibility Matters.

* * * * *

Information Regarding Responsibility Matters (Date)

* * * * *

■ 30. Amend section 52.209–9 by revising the date of the clause and removing from paragraph (a) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place.

The revision reads as follows:

52.209–9 Updates of Publicly Available Information Regarding Responsibility Matters.

* * * * *

Updates of Publicly Available Information Regarding Responsibility Matters (Date)

* * * * *

■ 31. Amend section 52.212–1 by revising the date of provision and paragraph (k) to read as follows:

52.212–1 Instructions to Offerors—Commercial Items.

* * * * *

Instructions to Offerors—Commercial Items (Date)

* * * * *

(k) *System for Award Management.* Unless exempted by an addendum to this solicitation, by submission of an offer, the offeror acknowledges that the offeror is registered in the SAM database and the requirement that a prospective awardee shall continue to be registered at time of award, during performance and through final payment of any contract resulting from this solicitation. If the Offeror is not registered in the SAM database prior to award of the contract, except in instances of urgency (see 4.1102(a)(5), the Contracting Officer will proceed to award to the next otherwise successful registered Offeror. Offerors may obtain information on registration and annual confirmation requirements via the SAM database accessed through *https://www.sam.gov.*

* * * * *

■ 32. Amend section 52.212–3 by—
■ a. Revising the date of the provision;
■ b. Removing from the introductory text of the provision "*http://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place;
■ c. Revising paragraph (b)(2); and
■ d. Removing from the introductory text of paragraph (p) "registered in SAM" and adding "registered in the SAM database" in its place.

The revision reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (Date)

* * * * *

(b) * * *

(2) The offeror has completed the annual representations and certifications electronically via the SAM Web site accessed through *http://www.sam.gov.* After reviewing the SAM database information, the offeror verifies by submission of this offer that the representations and certifications currently posted electronically at FAR 52.212–3, Offeror Representations and Certifications—Commercial Items, have been entered or updated in the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), at the time an offer is submitted and are incorporated in this offer by reference (see FAR 4.1201), except for paragraphs ______. [*Offeror to identify the applicable paragraphs at (c) through (r) of this provision that the offeror has completed for the purposes of this solicitation only, if any.*

These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted electronically on SAM.]

* * * * *

■ 33. Amend section 52.212–4 by—
■ a. Revising the date of the clause;
■ b. Revising paragraphs (t)(1) and (t)(2)(i);
■ c. Removing from paragraph (t)(4) "*https://www.acquisition.gov*" and adding "*https://www.sam.gov*" in its place; and
■ d. Removing from paragraph (v) "System for Award Management (SAM)" and adding "SAM database" in its place.

The revised text reads as follows:

52.212–4 Contract Terms and Conditions—Commercial Items.

* * * * *

Contract Terms and Conditions—Commercial Items (Date)

* * * * *

(t) * * * (1) Unless exempted by an addendum to this contract, the Contractor is responsible during performance and through final payment of any contract for the currency, accuracy and completeness of the data within the SAM database, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the SAM database after the initial registration, the Contractor is required to review and update on an annual basis from the date of initial registration or subsequent updates, its information in the SAM database to ensure it is current, accurate and complete. Updating information in the SAM does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

(2)(i) If a Contractor has legally changed its business name or "doing business as" name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in FAR subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day's written notification of its intention to: change the name in the SAM database; comply with the requirements of subpart 42.12; and agree in writing to the timeline and procedures specified by the responsible Contracting Officer. The Contractor must provide with the notification sufficient documentation to support the legally changed name.

* * * * *

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2013–0028; 4500030114]

RIN 1018–AZ38

Endangered and Threatened Wildlife and Plants; Designating Critical Habitat for Three Plant Species on Hawaii Island

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on our October 17, 2012, proposed designation of critical habitat for three plant species (*Bidens micrantha* ssp. *ctenophylla* (kookoolau), *Isodendrion pyrifolium* (wahine noho kula), and *Mezoneuron kavaiense* (uhiuhi)) on Hawaii Island under the Endangered Species Act of 1973, as amended (Act). We are reopening the comment period to allow all interested parties further opportunity to comment on areas that we are considering for exclusion from critical habitat designation in the final rule. Comments previously submitted on the proposed rule do not need to be resubmitted, as they will be fully considered in preparation of the final rule.

DATES: *Written Comments:* We will consider comments received or postmarked on or before June 6, 2016. Please note comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. If you are submitting your comments by hard copy, please mail them by June 6, 2016, to ensure that we receive them in time to give them full consideration.

ADDRESSES: *Document Availability:* You may obtain copies of the October 17, 2012, proposed rule, this document, and the draft economic analysis of the proposed designation of critical habitat at *http://www.regulations.gov* at Docket Number FWS–R1–ES–2013–0028, from the Pacific Islands Fish and Wildlife Office's Web site (*http://www.fws.gov/pacificislands/*), or by contacting the Pacific Islands Fish and Wildlife Office directly (see **FOR FURTHER INFORMATION CONTACT**).

Written Comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Search for Docket No. FWS–R1–ES–2013–0028, which is the docket number for this rulemaking, and follow the directions for submitting a comment.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R1–ES–2013–0028; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We will post all comments we receive on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

FOR FURTHER INFORMATION CONTACT: Mary Abrams, Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Honolulu, HI 96850; by telephone at 808–792–9400; or by facsimile at 808–792–9581. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written comments and information during this reopened comment period on our proposed designation of critical habitat for *Bidens micrantha* ssp. *ctenophylla* (kookoolau), *Mezoneuron kavaiense* (uhiuhi), and *Isodendrion pyrifolium* (wahine noho kula), that was published in the **Federal Register** on October 17, 2012 (77 FR 63928). In that proposed rule, we proposed to list 15 species on the Hawaiian island of Hawaii as endangered species under the Act (16 U.S.C. 1531 *et seq.*), to designate critical habitat for one of these species, and to designate critical habitat for two plant species that were listed as endangered species in 1986 and 1994. We finalized the listing determinations of those 15 species on October 29, 2013 (78 FR 64638). Critical habitat has not yet been finalized. We previously reopened the comment period on the proposed critical habitat twice: once for 30 days, on April 30, 2013 (78 FR 25243), and again for 60 days on July 2, 2013 (78 FR 39698).

In particular we are seeking public comment on the areas that we are considering for exclusion from the final designation of critical habitat for *Bidens micrantha* ssp. *ctenophylla* (kookoolau), *Mezoneuron kavaiense* (uhiuhi), and *Isodendrion pyrifolium* (wahine noho kula). Although we previously indicated that we were considering the possible exclusion of non-Federal lands, especially areas in private ownership, and asked for comment on the broad public benefits of encouraging collaborative conservation efforts with local and private partners, we are now offering an additional opportunity for public comment on this issue. Subsequent to the publication of the proposed rule, conservation agreements with the Service were signed by several of the landowners previously identified for possible exclusion. Furthermore, the Service has identified some additional areas considered for exclusion based on partnerships with landowners who signed conservation agreements with the Service subsequent to the publication of the proposed rule. Therefore, we are offering another opportunity for public comment on the broad public benefits of encouraging collaborative conservation efforts with local and private partners. We will consider information and recommendations from all interested parties.

We are particularly interested in comments concerning whether the benefits of excluding any particular area from critical habitat outweigh the benefits of including that area as critical habitat under section 4(b)(2) of the Act (16 U.S.C. 1533(b)(2)), after considering the potential impacts and benefits of the proposed critical habitat designation. We are considering the possible exclusion of non-Federal lands, especially areas in private ownership, and whether the benefits of exclusion may outweigh the benefits of inclusion of those areas. We, therefore, request specific information on:

- The benefits of including any specific areas in the final designation and supporting rationale.
- The benefits of excluding any specific areas from the final designation and supporting rationale.
- Whether any specific exclusions may result in the extinction of the species and why.

For non-Federal lands in particular, we are interested in information regarding the potential benefits of including such lands in critical habitat versus the benefits of excluding such lands from critical habitat. In weighing the potential benefits of exclusion versus inclusion of non-Federal lands, the Service may consider whether existing partnership agreements provide for the management of the species. This consideration may include, for example, the status of conservation efforts, the effectiveness of any conservation agreements to conserve the species, and the likelihood of the conservation agreement's future implementation. In addition, we may consider the formation or fostering of partnerships with non-Federal entities that result in positive conservation outcomes for the species, as evidenced by the development of conservation agreements, as a potential benefit of exclusion. We request comment on the broad public benefits of encouraging collaborative efforts and encouraging local and private conservation efforts.

Our final determination concerning the designation of critical habitat for *Bidens micrantha* ssp. *ctenophylla*, *Mezoneuron kavaiense*, and *Isodendrion pyrifolium* will take into consideration all written comments and information we receive during all comment periods; from peer reviewers; and during the public information meeting, as well as comments and public testimony we received during the public hearing, that we held in Kailua-Kona, Hawaii, on May 15, 2013 (see 78 FR 25243; April 30, 2013). The comments will be included in the public record for this rulemaking, and we will fully consider them in the preparation of our final determination. On the basis of peer reviewer and public comments, as well as any new information we may receive during the development of our final determination concerning critical habitat, we may find (1) that areas within the proposed critical habitat designation do not meet the definition of critical habitat, (2) that some modifications to the described boundaries are appropriate, or (3) that areas may or may not be appropriate for exclusion under section 4(b)(2) of the Act.

If you submitted comments or information on the proposed rule (October 17, 2012; 77 FR 63928) during one of the three previous open comment periods from October 17, 2012, through December 17, 2012 (77 FR 63928), April 30, 2013, through May 30, 2013 (78 FR 25243), and July 2, 2013, through September 3, 2013 (78 FR 39698), or at the public information meeting or hearing on May 15, 2013 (78 FR 25243), please do not resubmit them. We will fully consider them in the preparation of our final determinations.

You may submit your comments by one of the methods listed in **ADDRESSES**. We will post your entire comment—including your personal identifying information—on *http://www.regulations.gov*. If you submit your comment via U.S. mail, you may request at the top of your document that we withhold personal information such as your street address, phone number, or email address from public review; however, we cannot guarantee that we will be able to do so.

Comments and materials we receive will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R1–ES–2013–0028, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Background

Previous Federal Actions

On October 17, 2012, we published a proposed rule (77 FR 63928) to list 15 species on the Hawaiian island of Hawaii as endangered species under the Act, to designate critical habitat for one of these species, *Bidens micrantha* ssp. *ctenophylla,* and to designate critical habitat for two previously listed plant species, *Mezoneuron kavaiense* (51 FR 24672, July 8, 1986) and *Isodendrion pyrifolium* (59 FR 10305, March 3, 1994). We proposed to designate 18,766 acres (ac) (7,597 hectares (ha)) on the island of Hawaii. Approximately 55 percent of the area proposed as critical habitat is already designated as critical habitat for 41plants and the Blackburn's sphinx moth (*Manduca blackburni*), for which critical habitat was designated on July 2, 2003 (68 FR 39624), and June 10, 2003 (68 FR 34710), respectively.

In our October 17, 2012, proposed rule (77 FR 63928), we announced a 60-day comment period, which began on October 17, 2012, and ended on December 17, 2012. On April 30, 2013, we announced the availability of the draft economic analysis on the proposed designation of critical habitat, and reopened the comment period on our proposed rule, the draft economic analysis, and amended required determinations for another 30 days, ending May 30, 2013 (78 FR 25243). On April 30, 2013, we also announced a public information meeting in Kailua-Kona, Hawaii, which we held on May 15, 2013, followed by a public hearing on that same day (78 FR 25243). On July 2, 2013, we announced the reopening of the comment period on the proposed designation of critical habitat and the draft economic analysis for an additional 60 days, through September 3, 2013 (78 FR 39698).

Critical Habitat

Section 3 of the Act defines critical habitat as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. If the proposed rule is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency unless it is exempted pursuant to the provisions of the Act (16 U.S.C. 1536(e)–(n) and (p)). Federal agencies proposing actions affecting critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Consistent with the best scientific data available, the standards of the Act, and our regulations, we initially identified and proposed a total of 18,766 ac (7,597 ha) in 7 units for three plant species located on the island of Hawaii, that meet the definition of critical habitat. In addition, the Act provides the Secretary with the discretion to exclude certain areas from the final designation after taking into consideration economic impacts, impacts on national security, and any other relevant impacts of specifying any particular area as critical habitat.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if she determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless she determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

When considering the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to result in conservation; the continuation, strengthening, or encouragement of partnerships; or implementation of a management plan. In the case of *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* the benefits of critical habitat include public awareness of the presence of the three species and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for the three species due to protection from adverse modification or destruction of critical habitat. In practice, situations with a Federal nexus exist primarily on Federal lands or for projects undertaken by Federal agencies.

In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion. If the analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise her discretion to exclude the area only if such exclusion will not result in the extinction of the species.

When identifying the benefits of inclusion for an area, we consider the additional regulatory benefits that area would receive due to the protection from destruction or adverse modification as a result of actions with a Federal nexus; the educational benefits of mapping essential habitat for recovery of the listed species; and any benefits that may result from a designation due to State or Federal laws that may apply to critical habitat. Additionally, continued implementation of a management plan that provides equal to or more conservation than a critical habitat designation would reduce the benefits of including that specific area in the critical habitat designation.

When identifying the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to result in conservation and the continuation, strengthening, or encouragement of partnerships.

When we evaluate a management plan during our consideration of the benefits of exclusion, we assess a variety of factors, including but not limited to, whether the plan is finalized, how it provides for the conservation of the essential physical or biological features, whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan will be implemented into the future, whether the conservation strategies in the plan are likely to be effective, and whether the plan contains a monitoring program or adaptive management to ensure that the conservation measures are effective and can be adapted in the future in response to new information.

After identifying the benefits of inclusion and the benefits of exclusion, we carefully weigh the two sides to evaluate whether the benefits of exclusion outweigh those of inclusion. If our analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, we then determine whether exclusion would result in extinction of the species. If exclusion of an area from critical habitat will result in extinction, we will not exclude it from the designation.

Based on the information provided by entities seeking exclusion, as well as any additional public comments received, we will evaluate whether certain lands in proposed critical habitat Hawaii—Lowland Dry—Units 31, 32, 33, 34, and 35 are appropriate for exclusion from the final designation under section 4(b)(2) of the Act. If the analysis indicates that the benefits of excluding lands from the final designation outweigh the benefits of designating those lands as critical habitat, then the Secretary may exercise her discretion to exclude the lands from the final designation.

In our October 17, 2012, proposed rule (77 FR 63928), we identified areas in four of the proposed critical habitat units for potential exclusion from the final critical habitat designation for *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense* under section 4(b)(2) of the Act. Table 1 provides approximate areas (ac, ha) of these lands that meet the definition of critical habitat but were proposed for consideration for possible exclusion under section 4(b)(2) of the Act from the final critical habitat rule.

TABLE 1—AREAS CONSIDERED FOR EXCLUSION IN THE 2012 PROPOSED RULE (77 FR 63928), BY CRITICAL HABITAT UNIT

Unit	Specific area	Areas meeting the definition of critical habitat, in acres (hectares)	Areas considered for possible exclusion, in acres (hectares)
Hawaii—Lowland Dry—Unit 31	Kamehameha Schools	2,834 (1,147)	2,834 (1,147)
Hawaii—Lowland Dry—Unit 33	Palamanui Global Holdings LLC	502 (203)	502 (203)
Hawaii—Lowland Dry—Unit 34	Kaloko Properties Corp.	48 (19)	48 (19)
	SCD–TSA Kaloko Makai LLC	558 (226)	558 (226)
	TSA Corporation	26 (10)	26 (10)
	Lanihau Properties	47 (19)	47 (19)
Hawaii—Lowland Dry—Unit 35	Department of Hawaiian Home Lands	355 (144)	87 (35)

We are now considering whether to exclude additional areas. Table 2 below provides approximate areas (ac, ha) of the additional lands that meet the definition of critical habitat but are now under our consideration for possible exclusion under section 4(b)(2) of the Act from the final critical habitat rule. In the paragraphs that follow below, we provide a detailed analysis of our consideration of these additional lands for exclusion under section 4(b)(2) of the Act.

TABLE 2—ADDITIONAL AREAS CONSIDERED FOR EXCLUSION, BY CRITICAL HABITAT UNIT

Unit	Specific area	Areas meeting the definition of critical habitat, in acres (hectares)	Areas considered for possible exclusion, in acres (hectares)
Hawaii—Lowland Dry—Unit 32	Waikoloa Village Association	1,758 (711)	1,758 (711)
Hawaii—Lowland Dry—Unit 33	Department of Hawaiian Home Lands	91 (30)	91 (30)
Hawaii—Lowland Dry—Unit 35	County of Hawaii (State)	165 (67)	165 (67)
	Hawaii Housing and Finance Development Corporation (State).	30 (12)	30 (12)
	Department of Hawaiian Home Lands	401 (165)	401 (165)
	Forest City Kona	265 (107)	265 (107)
	Queen Liliuokalani Trust	302 (122)	302 (122)

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security. We consider a number of factors including whether there are permitted conservation plans covering the species in the area such as habitat conservation plans, safe harbor agreements, or candidate conservation agreements with assurances, or whether there are non-permitted conservation agreements and partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at the existence of tribal conservation plans and partnerships and consider the government-to-government relationship of the United States with tribal entities. We also consider any social impacts that might occur because of the designation.

We sometimes exclude specific areas from critical habitat designations based in part on the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships. A conservation plan or agreement describes actions that are designed to provide for the conservation needs of a species and its habitat, and may include actions to reduce or mitigate negative effects on the species caused by activities on or adjacent to the area covered by the plan. Conservation plans or agreements can be developed by private entities with no Service involvement, or in partnership with the Service.

We evaluate a variety of factors to determine how the benefits of any exclusion and the benefits of inclusion are affected by the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships when we undertake a discretionary section 4(b)(2) exclusion analysis. A non-exhaustive list of factors that we will consider for non-permitted plans or agreements is shown below. These factors are not required elements of plans or agreements, and all items may not apply to every plan or agreement.

(i) The degree to which the plan or agreement provides for the conservation of the species or the essential physical or biological features (if present) for the species;

(ii) Whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan or agreement will be implemented;

(iii) The demonstrated implementation and success of the chosen conservation measures;

(iv) The degree to which the record of the plan supports a conclusion that a critical habitat designation would impair the realization of benefits expected from the plan, agreement, or partnership;

(v) The extent of public participation in the development of the conservation plan;

(vi) The degree to which there has been agency review and required determinations (*e.g.*, State regulatory requirements), as necessary and appropriate;

(vii) Whether National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) compliance was required; and

(viii) Whether the plan or agreement contains a monitoring program and adaptive management to ensure that the conservation measures are effective and can be modified in the future in response to new information.

In the proposed rule (October 17, 2012; 77 FR 63928), we identified several specific areas under consideration for exclusion from critical habitat based on the landowner's conservation partnerships; these exclusions totaled approximately 4,099 ac (1,659 ha) of State land and private lands. The areas identified for potential exclusion, as detailed in our proposed rule, included lands owned or managed by Kamehameha Schools; Palamanui Global Holdings, LLC; Kaloko Properties Corp.; Lanihau Properties; SCD–TSA Kaloko Makai, LLC; TSA Corporation; and the Department of Hawaiian Homelands. We asked for public comment on the potential exclusions, and for information regarding the potential benefits of including private lands in critical habitat versus the benefits of excluding such lands from critical habitat. After publication of the proposed rule, three of these landowners (Palamanui Global Holdings, LLC; Lanihau Properties; and the Department of Hawaiian Homelands) signed memoranda of understanding with the Service covering actions beneficial to *Bidens micrantha* ssp. *ctenophylla, Mezoneuron kavaiense*, and *Isodendrion pyrifolium.* Furthermore, in the proposed rule we noted that exclusions in the final rule would not necessarily be limited to those we initially identified in the proposed rule. Subsequent to publication of the proposed rule, we identified additional private or non-Federal lands that we are considering for exclusion from critical habitat, based on conservation partnerships with the Service. These include lands owned or managed by Waikoloa Village Association, County of Hawaii, Hawaii Housing and Finance Development Corporation, Forest City Kona, and Queen Liliuokalani Trust. Therefore, at this time we request public comment on the following: the benefits of including any specific areas in the final designation and supporting rationale, benefits of excluding any specific areas from the final designation and supporting rationale, and whether any specific exclusions may result in the extinction of the species and why. The three of the areas originally proposed for exclusion, as well as the additional areas being considered for exclusion, are briefly described below.

Certain Areas Considered for Exclusion in the 2012 Proposed Rule

Palamanui Global Holdings, LLC

In the October 17, 2012, proposed rule (77 FR 63928), we stated that we were considering the exclusion of 502 ac (203 ha) owned or managed by Palamanui Global Holdings, LLC (Palamanui). These lands fall within a portion of the 1,583 ac (640 ha) proposed as critical habitat in Hawaii—Lowland Dry—Unit 33; the proposed unit is occupied by *Mezoneuron kavaiense,* and unoccupied but essential to the conservation of *Bidens micrantha* ssp. *ctenophylla* and *Isodendrion pyrifolium* (77 FR 63928; October 17, 2012). Palamanui has demonstrated their willingness to work as a conservation partner by undertaking site management that provides important conservation benefits to the native Hawaiian species that depend upon the lowland dry ecosystem habitat. Under an integrated natural cultural resource management plan (INCRMP 2005) addressing preservation, mitigation, management, and stewardship measures for the natural and cultural resources at the Palamanui development, Palamanui successfully implemented the following conservation actions on their lands: (1) Fencing to protect a 55-ac (22-ha) Lowland Dry Forest Preserve (Preserve) and other endangered plant locations outside the Preserve; (2) maintenance of firebreaks to control the threat of fire at the Preserve and other endangered plant locations outside the Preserve; (3) establishment of the Palamanui Dry Forest Working Group and research partnership; and (4) partnerships with other landowners and practitioners to benefit the conservation and recovery of dry forest species and their habitat.

Subsequent to the publication of the October 17, 2012, proposed rule, Palamanui participated in a series of collaborative meetings with the Service, County of Hawaii, Department of Hawaiian Homelands, Department of Land and Natural Resources, and other stakeholders in proposed Critical Habitat Units 31, 33, 34, and 35, to address species protection and recovery and development on a regional scale. In 2015, Palamanui signed a memorandum of understanding (MOU) with the Service wherein they agreed to implement important conservation actions beneficial to *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* and the lowland dry ecosystem upon which they depend (Memorandum of Understanding Between Palamanui Global Holdings LLC and U.S. Department of Interior Fish and Wildlife Service 2015). In the MOU, Palamanui agreed to increase the area of fenced and managed lowland dry forest protected within the Preserve by 19 ac (7.7 ha), for a total of approximately 75 ac (30 ha). Palamanui also agreed to ensure funding for conservation actions within the Preserve for the next 20 years at a minimum of $50,000 per year. Palamanui will also contribute conservation actions valued at an additional $200,000 to benefit the recovery of the three plant species and the lowland dry ecosystem, and agreed to work cooperatively with the Service or other conservation partners to conduct activities expected to benefit *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense* and their habitat. Implementation has already been initiated on the following actions agreed to in the MOU: (1) Firebreak maintenance around the Preserve; (2) fence maintenance to exclude ungulates from the Preserve and removal of ungulates that had been allowed to enter the Preserve; (3) regular weed control in the Preserve; and (4) propagation, outplanting, and maintenance of listed species in the Preserve.

Lanihau Properties

In the October 17, 2012, proposed rule (77 FR 63928), we considered the exclusion of 47 ac (19 ha) of land owned/managed by Lanihau Properties. These lands fall within a portion of the 961 ac (389 ha) proposed as critical habitat in Hawaii— Lowland Dry—Unit 34; the proposed unit is occupied by *Bidens micrantha* ssp. *ctenophylla,* and *Mezoneuron kavaiense, and* unoccupied but essential to the conservation of *Isodendrion pyrifolium* (77 FR 63928; October 17, 2012). Lanihau Properties has demonstrated their willingness to work as a conservation partner by undertaking site management that provides important conservation benefits to the native Hawaiian species that depend upon the lowland dry ecosystem habitat. In 2010, Lanihau Properties agreed to set aside a 4.6-ac (1.9-ha) area as a dryland forest reserve and implement conservation measures as a condition for issuance of a county grading permit associated with the construction of the Ane Keohokalole Highway (USFWS 2010, in litt.).

Subsequent to the publication of the October 17, 2012, proposed rule, Lanihau Properties participated in a series of collaborative meetings along with the Service, County of Hawaii, Department of Hawaiian Homelands, Department of Land and Natural Resources, and other stakeholders in proposed Critical Habitat Units 31, 33, 34, and 35, to address species protection and recovery and development on a regional scale. In 2014, Lanihau Properties signed an MOU with the Service wherein they agreed to implement important conservation actions beneficial to *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* as well as other rare and endangered plant species and their habitat in the lowland dry ecosystem (Memorandum of Understanding between Lanihau Properties and U.S. Department of Interior Fish and Wildlife Service 2014, entire). In the agreement, Lanihau Properties agreed to set aside and not undertake development in an approximately 16-ac (6-ha) area, adding 11.4 ac (4.6 ha) to the previous 4.6-ac (1.9-ha) set aside, and work cooperatively with the Service or other conservation partners to conduct activities expected to benefit the conservation of the three species and the lowland dry ecosystem for the next 20 years.

Department of Hawaiian Home Lands

In the October 17, 2012, proposed rule (77 FR 63928), we announced we were considering the exclusion of 87 ac (35 ha) of lands owned by the Department of Hawaiian Home Lands (DHHL) out of the total 446 ac (181 ha) of DHHL land proposed as critical habitat. Based on a new MOU evidencing a more robust partnership with the Service, summarized below, and updated land ownership records that added approximately 46.5 ac (18.4 ha) to DHHL's land considered for exclusion, we are now considering the exclusion of 492 ac (199 ha) of lands owned by DHHL. These lands fall within portions of two proposed units. The DHHL owns 91 ac (30 ha) of the 1,583 ac (640 ha) proposed as critical habitat in Hawaii—Lowland Dry—Unit 33; this proposed unit is occupied by *Mezoneuron kavaiense,* and unoccupied by but essential to the conservation of *Bidens micrantha* ssp. *ctenophylla* and *Isodendrion pyrifolium.* The DHHL also owns 401 ac (165 ha) of the 1,192 ac (485 ha) proposed as critical habitat in Hawaii—Lowland Dry—Unit 35; this proposed unit is occupied by *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense* (77 FR 63928; October 17, 2012).

The DHHL has worked in partnership with the Service to protect and restore endangered and threatened species and their habitats during the last 15 years on Hawaii Island. In December 2010, the Hawaiian Homes Commission adopted the "Aina Mauna Legacy Program," a 100-year plan to reforest approximately 87 percent of a 56,200-ac (22,743-ha) contiguous parcel managed by DHHL on the eastern slope of Mauna Kea, Hawaii Island. Implementation of the Aina Mauna Legacy Program calls for removal of all feral ungulates from the Aina Mauna landscape and several restoration projects have been implemented to benefit endangered and threatened species and their habitats (DHHL 2009, pp. 19–21). Each of these projects received funding from the Service's Partners for Fish and Wildlife Program for 10-year landowner agreements to maintain the conservation actions, and includes multiple partners such as the State, National Wildlife Refuge System, and the Mauna Kea Watershed Alliance.

From 1996 to 2006, the DHHL acquired a total of approximately 685 ac (277 ha) at Laiopua, Kealakehe, and Keahuolu from the Hawaii Housing Finance Development Corporation (HHFDC, previously HCDCH) (Masagatani 2012, in litt.) and subsequently committed two parcels equaling approximately 40 ac (16 ha) for the development, management, and maintenance as preserves with the sole purpose of protecting of *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium, Mezoneuron kavaiense,* and other endangered species. The three parcels included the two principal preserves of the 1999 plan and the area identified for protection of archaeological resources, for a total of 73 ac (29 ha) protected. Since 2010, the DHHL has committed approximately $1,198,052 for the development and management of the preserve areas (Masagatani 2012, in litt.). Conservation actions in the preserve areas include: (1) Fencing to exclude ungulates and prevent human trespass; (2) control and removal of nonnative plants; (3) control and prevention of the threat of fire; (4) propagation, outplanting, and care of common native and endangered plant species; and (5) promoting community volunteer and education programs that support native plant conservation.

Subsequent to the publication of the October 17, 2012, proposed rule, the DHHL participated in a series of collaborative meetings with the Service, County of Hawaii, Department of Land and Natural Resources, and other stakeholders in Units 31, 33, 34, and 35, to address species protection and recovery and development on a regional scale. In 2015, the DHHL signed an MOU with the Service for a conservation agreement expected to benefit the recovery of *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* as well as other rare and listed plant species and their habitat in the lowland dry ecosystem (Memorandum of Understanding Between the Department of Hawaiian Home Lands and U.S. Department of Interior Fish and Wildlife Service 2015). Under the agreement, the DHHL will continue to protect the 73 ac (29 ha) of existing preserves and agrees to set aside and not develop an additional 24 ac (10 ha) for a total protected area of 97 ac (39 ha) to benefit the recovery of the three plant species and the lowland dry ecosystem. The DHHL agreed in the MOU to funding conservation actions valued at $3.229 million on 44 ac (18 ha) of the existing preserves for 40 years and within the additional 24 ac (10 ha) for 20 years. The remaining 29 ac (ha) of existing preserves will not be actively managed but will remain protected from development. Conservation actions on the 68 managed acres include: (1) Fencing to exclude ungulates; (2) control and the prevention of the threat of fire; (3) control and removal of nonnative plant species; (4) propagation, outplanting, and care of *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* and other rare and endangered plant species; and (5) other management actions expected to benefit the recovery of listed plant species and the lowland dry ecosystem. Implementation has already been initiated on the following actions agreed to in the MOU: (1) Fence and firebreak maintenance around the preserves; (2) regular weed control of the managed areas in the preserves; and (3) initiated improvements to the fences and gates in the existing Aupaka Preserve, including raising the height of the fence to exclude ungulates and removing barbed wire, which is a threat to the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*).

Additional Areas Currently Under Consideration for Exclusion

Waikoloa Village Association

We are considering excluding 1,758 ac (711 ha) of lands from critical habitat that are owned or managed by the Waikoloa Village Association (WVA). These lands include the majority of the 1,779 ac (720) proposed as critical habitat in Hawaii—Lowland Dry—Unit 32; the proposed unit is occupied by one of the three plant species, *Mezoneuron kavaiense,* and is unoccupied but essential to the conservation of *Bidens micrantha* ssp. *ctenophylla* and *Isodendrion pyrifolium* (77 FR 63928; October 17, 2012). Since 2012, the WVA has voluntarily facilitated and supported the conservation of *Isodendrion pyrifolium* and *Mezoneuron kavaiense* and other federally listed species and their habitat in the lowland dry ecosystem, on their privately owned lands. In 2012, the WVA Board of Directors granted permission to protect and restore 275 ac (111 ha) of dry forest habitat south of Waikoloa Village for a period of 75 years by way of a license agreement with the nonprofit Waikoloa Dry Forest Initiative, Inc. The project's management program includes: (1) Construction and maintenance of a 275-ac (111-ha) fence to exclude ungulates; (2) removal of ungulates from the fenced exclosure; (3) control of nonnative plant species to reduce competition and the threat of fire; (4) integrated pest management to reduce impacts on native plant species; (5) provision of infrastructure for propagation and maintenance of outplantings; (6) establishment of common native and endangered plant species; and (7) education and community outreach activities. Furthermore, in 2014, the WVA signed an MOU with the Service wherein they agreed to implement important conservation actions beneficial to *Mezoneuron kavaiense, Isodendrion pyrifolium* and *Bidens micrantha* ssp. *ctenophylla* and the lowland dry ecosystem upon which they depend (Memorandum of Understanding between Waikoloa Village Association and U.S. Department of Interior Fish and Wildlife Service 2014, entire). The WVA agreed not to undertake development in 60 ac (24 ha) adjacent to the Waikoloa Dry Forest Recovery Project's 275-ac (111-ha) exclosure and to work cooperatively with the Service or other conservation partners to conduct activities expected to benefit *Mezoneuron kavaiense, Isodendrion pyrifolium,* and *Bidens micrantha* ssp. *ctenophylla* and their habitat.

County of Hawaii

We are considering exclusion of 165 ac (67 ha) of lands owned by the State of Hawaii that are under management of the County of Hawaii (County). These lands fall within a portion of the 1,192 ac (485 ha) proposed as critical habitat in Hawaii—Lowland Dry—Unit 35; the proposed unit is occupied by *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense* (77 FR 63928; October 17, 2012). Since 2010, the County of Hawaii (County) has been involved in voluntary cooperative partnerships and conservation agreements with the Service for the conservation of rare and endangered species and their habitats. In 2010, the County helped facilitate protection of over 150 ac (61 ha) of lowland dry ecosystem habitat known to contain numerous listed plant species (USFWS 2010, in litt.).

Subsequent to the publication of the October 17, 2012, proposed rule, the County participated in a series of collaborative meetings with the Service, Department of Hawaiian Homelands, Department of Land and Natural Resources, and other stakeholders in Units 31, 33, 34, and 35, to address species protection and recovery and development on a regional scale. In 2015, the County signed an MOU with the Service wherein they agreed to implement important conservation actions beneficial to *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* as well as other rare and listed plant species and their habitat in the lowland dry ecosystem (Memorandum of Understanding Between County of Hawaii and U.S. Department of Interior Fish and Wildlife Service 2015, entire). The County agreed to set aside and not develop approximately 30 ac (12 ha) of lands under its management, and also agreed to conduct conservation actions valued at $1.534 million on a total of 50.1 ac (20.3 ha) to benefit the recovery of the three plant species, as well as other rare and listed plant species and their habitat in the lowland dry ecosystem, over the next 20 years. The 50.1 ac (20.3 ha) where conservation actions will occur includes 30 ac (12 ha) owned by the County, 4.2 ac (1.7 ha) owned by the Hawaii Housing Finance and Development Corporation, and 15.9 ac (6.4) owned by Lanihau Properties. Of the total 30 ac (12 ha) of County land protected from development, 22 ac (8.9 ha) are adjacent to a 4.2-ac (1.7-ha) set-aside by the Hawaii Housing Finance and Development Corporation and another 21.7-ac (8.8-ha) set-aside by the Department of Hawaiian Homelands; these three areas together create approximately 47.9 contiguous acres (19.4 ha) protected for the conservation of the three species and the lowland dry ecosystem. The remaining 8-ac (3.2-ha) set-aside is located within the proposed Kealakehe Regional Park and adjacent to an existing 3.4-ac (1.4-ha) preserve managed by County but owned by the Hawaiian Department of Land and Natural Resources. Because the conservation actions will occur in some areas jointly managed by the County and other agencies or at offsite locations, the County will work cooperatively and in partnership with these landowners. These conservation actions will include: (1) Fencing to exclude ungulates; (2) control and prevention of the threat of fire; (3) control of nonnative plant species; and (4) other management actions expected to benefit the recovery of listed plant species and the lowland dry ecosystem.

Hawaii Housing Finance and Development Corporation

We are considering exclusion of 30 ac (12 ha) of lands owned by the State of Hawaii that are under management of the Hawaii Housing Finance and Development Corporation (HHFDC). These lands fall within a portion of the 1,192 ac (485 ha) proposed as critical habitat in Hawaii—Lowland Dry—Unit 35; the proposed unit is occupied by *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense* (77 FR 63928; October 17, 2012). The HHFDC has demonstrated their willingness to work as a conservation partner by undertaking site management that provides important conservation benefits to the native Hawaiian species that depend upon the lowland dry ecosystem habitat.

Subsequent to the publication of the proposed rule, HHFDC participated in a series of collaborative meetings with the Service, Department of Hawaiian Homelands, Department of Land and Natural Resources, and other stakeholders in Units 31, 33, 34, and 35, to address species protection and recovery and development on a regional scale. In 2016, HHFDC signed an MOU with the Service wherein they agreed to implement important conservation actions beneficial to *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium* and *Mezoneuron kavaiense* and their habitat, as well as to other rare and federally listed species and their habitat in the lowland dry ecosystem (Memorandum of Understanding Between Hawaii Housing Finance and Development Corporation and U.S. Department of Interior Fish and Wildlife

Service 2016, entire). The HHFDC agreed to set aside and not develop approximately 4.2 ac (1.7 ha) of lands under its management to provide protection and management for one of the seven remaining mature individuals of *Mezoneuron kavaiense* in proposed Unit 35, as well as other rare and listed plant species and their habitat in the lowland dry ecosystem, over the next 20 years. The 4.2 ac (1.7 ha) protected from development by the HHFDC are adjacent to the 22-ac (8.9-ha) set-aside by the County and another 21.7-ac (8.8-ha) set-aside by the Department of Hawaiian Homelands; these three areas together create approximately 47.9 contiguous acres (19.4 ha) protected for the conservation of the three species and the lowland dry ecosystem. Because the conservation actions will occur in some areas jointly managed by the HHFDC and other agencies, the HHFDC will work cooperatively and in partnership with these landowners and the Service. These conservation actions will include: (1) Fencing to exclude ungulates; (2) control and prevention of the threat of fire; (3) control of nonnative plant species; and (4) other management actions expected to benefit the recovery of listed plant species and the lowland dry ecosystem.

Forest City Kona

We are considering the exclusion of 265 ac (107 ha) of lands that are owned by Forest City Kona, LLC. These lands fall within a portion of the 1,192 ac (485 ha) proposed as critical habitat in Hawaii—Lowland Dry—Unit 35; the proposed unit is occupied by *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense* (77 FR 63928; October 17, 2012). Forest City Kona has demonstrated their willingness to work as a conservation partner by undertaking site management that provides important conservation benefits to the native Hawaiian species that depend upon the lowland dry ecosystem habitat.

Subsequent to the publication of the October 17, 2012, proposed rule, Forest City Kona participated in a series of collaborative meetings with the Service, Department of Hawaiian Homelands, Department of Land and Natural Resources, and other stakeholders in Units 31, 33, 34, and 35, to address species protection and recovery and development on a regional scale. In 2016, Forest City Kona signed an MOU with the Service wherein they agreed to implement important conservation actions beneficial to *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense* and their habitat, as well as other rare and federally listed species and their habitat in the lowland dry ecosystem (Memorandum of Understanding between Forest City Kona and U.S. Department of Interior Fish and Wildlife Service 2016, entire). Forest City Kona agreed to set aside and not undertake development in two areas, totaling 20 ac (8 ha), and to work cooperatively with the Service on approved conservation programs to conduct activities to benefit the conservation of the three species and the lowland dry ecosystem in these areas for the next 20 years. The MOU's conservation actions include: (1) Fencing to exclude ungulates; (2) control of nonnative plant species; (3) propagation, outplanting, and care of *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* as well as other rare and common native plant species; (4) control and prevention of the threat of fire; and (5) other management actions expected to benefit the recovery of listed plant species and the lowland dry ecosystem. The MOU also includes a commitment from Forest City Kona to provide $500,000 towards the implementation of on-site or off-site conservation actions within the North Kona region that will benefit the recovery of the three plant species and the lowland dry ecosystem.

Queen Liliuokalani Trust

In the October 17, 2012, proposed rule (77 FR 63928), we stated that we were not considering for exclusion lands owned by Queen Liliuokalani Trust (QLT) for the following reasons: (1) The conservation plans in place at the time only addressed actions related to *Isodendrion pyrifolium,* but did not address conservation of the other two plants with proposed critical habitat on the land, *Bidens micrantha* ssp. *ctenophylla* and *Mezoneuron kavaiense;* and (2) since 2005, we were unaware of efforts to outplant propagated individuals of *Isodendrion pyrifolium* or any current plans to conserve listed species or their habitats in the lowland dry ecosystem on the lands at Keahuolu owned by QLT. In 2014, QLT signed an MOU with the Service addressing both of these previous concerns. We are now considering exclusion of 302 ac (122 ha) of lands that are owned or managed by QLT. These lands fall within a portion of the 1,192 ac (485 ha) proposed as critical habitat in Hawaii—Lowland Dry—Unit 35; the proposed unit is occupied by *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense* (77 FR 63928; October 17, 2012).

Since 2004, QLT has supported the conservation of federally listed species and their habitat in the lowland dry ecosystem, on their privately owned lands. In 2004, the QLT entered into an agreement with the Service's Partners for Fish and Wildlife Program to conduct research on the propagation of two endangered plants, *Isodendrion pyrifolium* and *Neraudia ovata,* in order to secure genetic material in *ex situ* storage and provide individuals of each species for reintroduction or restoration projects. In February 2014, the QLT signed an MOU with the Service wherein they agreed to implement important conservation actions beneficial to *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* as well as other rare and listed plant species and their habitat in the lowland dry ecosystem (Memorandum of Understanding between Queen Liliuokalani Trust and U.S. Department of Interior Fish and Wildlife Service 2014, entire). The management actions included in the MOU are: (1) Fencing to exclude ungulates; (2) control and prevention of the threat of fire; (3) propagation and outplanting of *Bidens micrantha* ssp. *ctenophylla, Isodendrion pyrifolium,* and *Mezoneuron kavaiense,* as well as six other rare or listed plant species; (4) weed control; (5) watering and maintenance of outplanted individuals; (6) monitoring and reporting; (7) analysis of success criteria; and (8) adaptive management. The QLT also agreed to set aside and not undertake development in a separate 28-ac (11-ha) area and work cooperatively with the Service or other conservation partners to conduct activities to benefit the conservation of the three species and the lowland dry ecosystem. This area will be available for the conservation and propagation efforts for the three species and other listed and rare species of the lowland dry ecosystem.

In addition to the agreements and commitments detailed above, QLT developed a culturally based service learning program that has involved over 1,300 beneficiaries, school groups, and other community members in removing invasive species. QLT continues to spend over $12,000 per year to control invasive species, such as fountain grass (*Cenchrus setaceum*) and haole koa (*Leucaena leucocephala*). Other significant expenditures include funds spent on security in response to trespassing and vandalism on its Kona lands (QLT 2013).

Summary of Areas Considered for Exclusion

We are considering exclusion of these non-Federal lands because we believe the exclusion may result in the continuation, strengthening, or encouragement of important conservation partnerships that will contribute to the long-term conservation of *Bidens micrantha* ssp. *ctenophylla, Mezoneuron kavaiense* and *Isodendrion pyrifolium.* The development and implementation of management plans, and ability to access private lands necessary for surveys or monitoring designed to promote the conservation of these federally listed plant species and their habitat, as well as provide for other native species of concern, would be important outcomes of these conservation partnerships.

The final designation may not exclude these areas, or be limited to these exclusions, but may also consider other exclusions as a result of continuing analysis of relevant considerations (scientific, economic, and other relevant factors, as required by the Act) and the public comment process. In particular, we solicit comments from the public on whether to make the specific exclusions we are considering, and whether there are other areas that are appropriate for exclusion.

The final decision on whether to exclude any area will be based on the best scientific data available at the time of the final designation, including information obtained during the comment periods and information about the economic impact of the designation.

Authors

The primary authors of this document are the staff members of the Pacific Islands Fish and Wildlife Office, Pacific Region, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 11, 2016.

Karen Hyun,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2016–11941 Filed 5–19–16; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 81, No. 98
Friday, May 20, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of June 2, 2016 Advisory Committee on Voluntary Foreign Aid Meeting

AGENCY: United States Agency for International Development.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: Thursday, June 2, 2016.

Time: 2:00–4:00 p.m.

Location: Polaris Room, The Ronald Reagan Building, 1300 Pennsylvania Ave. NW., Washington, DC 20004.

Purpose

The Advisory Committee on Voluntary Foreign Aid (ACVFA) brings together USAID and private voluntary organization officials, representatives from universities, international nongovernment organizations, U.S. businesses, and government, multilateral, and private organizations to foster understanding, communication, and cooperation in the area of foreign aid.

Agenda

USAID Administrator Gayle Smith will make opening remarks, followed by panel discussions among ACVFA members and USAID leadership on the applying the "New Model of Development" to Democracy, Governance and Human Rights efforts. Panel presentations will be followed by breakout groups for public consultation and input. The full meeting agenda will be forthcoming on the ACVFA Web site at *http://www.usaid.gov/who-we-are/organization/advisory-committee.*

Stakeholders

The meeting is free and open to the public. Registration information will be forthcoming on the ACVFA Web site at *http://www.usaid.gov/who-we-are/organization/advisory-committee.*

FOR FURTHER INFORMATION CONTACT: Jayne Thomisee, *acvfa@usaid.gov.*

Dated: May 13, 2016.

Jayne Thomisee,

Executive Director & Policy Advisor, U.S. Agency for International Development.

[FR Doc. 2016–11946 Filed 5–19–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Final Record of Decision for Greater Sage-Grouse Bi-State Distinct Population Segment Forest Plan Amendment

AGENCY: Forest Service, USDA.

ACTION: Notice of plan amendment approval.

SUMMARY: Forest Supervisor William A. Dunkelberger signed the final Record of Decision (ROD) for the Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment (Amendment) on May 16, 2016. The final ROD documents the Forest Supervisor's decision and rationale for approving the plan amendment.

DATES: The effective date of the plan amendment is 30 calendar days after publication of this notice.

ADDRESSES: Humboldt-Toiyabe National Forest; 1200 Franklin Way, Sparks, NV 89431.

FOR FURTHER INFORMATION CONTACT: To view the final ROD, plan amendment, FEIS, and other related documents, please visit the Humboldt-Toiyabe Web site at *http://www.fs.usda.gov/project/?project=40683.*

Further information about the Humboldt-Toiyabe National Forest plan amendment process can be obtained from James Winfrey during normal office hours (weekdays 8:00 a.m. to 4:30 p.m. at the Humboldt-Toiyabe National Forest Supervisor's Office.

Phone/voicemail: 775–355–5308. Individuals who use telecommunication devices for the deaf (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The plan amendment describes desired conditions, objectives, standards and guidelines, to conserve, enhance, and/or restore sagebrush and associated habitats to provide for the longterm viability of the bi-state sage grouse. The amendment will guide project and activity decision making and resource management activities across bi-state sage grouse habitat on the Humboldt-Toiyabe National Forest.

Dated: May 16, 2016.

William A. Dunkelberger,

Forest Supervisor.

[FR Doc. 2016–11933 Filed 5–19–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the United States Department of Agriculture's Rural Utilities Service (RUS), invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by July 19, 2016.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492, FAX: (202) 720–8435. Email: *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that

RUS is submitting to OMB for extension of an existing collection. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. FAX: (202) 720–8435.

Title: 7 CFR part 1783, Revolving Fund Program.

OMB Control Number: 0572–0138.

Type of Request: Extension of a currently approved information collection.

Abstract: The Rural Utilities Service (RUS) supports the sound development of rural communities and the growth of our economy without endangering the environment. R provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to rural Americans in greatest need. The Revolving Fund Program helps qualified non-profits create a revolving loan fund that can provide financing for the extension and improvement of water and waste disposal systems in rural areas. Entities eligible for the revolving loan fund will be the same entities eligible to obtain a loan, loan guarantee, or grant from RUS Water and Waste Disposal and Wastewater loan and grant programs. As grant recipients, the non-profit organizations establish a revolving loan fund to provide loans to finance predevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems. The collection of information consists of the materials to file a grant application with the agency, including forms, certifications and required documentation.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 6.23 hour per response.

Respondents: Non-profit institutions.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 374 Hours.

Copies of this information collection can be obtained from Rebecca Hunt, Management Analyst, Program Development and Regulatory Analysis, at (202) 205–3660; FAX: (202) 720–8435.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 9, 2016.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2016–11857 Filed 5–19–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–888]

Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results of the Antidumping Duty Administrative Review; 2009–2010

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On April 6, 2016, the United States Court of International Trade (the Court or the CIT) issued final judgment in *Foshan Shunde Yongjian Housewares & Hardwares Co., Ltd.* v. *United States,* Court No. 12–00069, sustaining the Department of Commerce's (the Department) final results of the second redetermination pursuant to remand.[1] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co.,* v *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the antidumping duty administrative review of floor-standing, metal top ironing tables and certain parts thereof from the People's Republic of China covering the period August 1, 2009, through July 31, 2010, and is amending the final results with respect to the weighted-average dumping margin assigned to Foshan Shunde Yongjian Housewares & Hardwares Co., Ltd. (Foshan Shunde).[2]

DATES: Effective April 18, 2016.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4475 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 2012, the Department published its *Final Results.*[3] On March 22, 2012, Foshan Shunde, an exporter of the subject merchandise, timely filed a complaint with the Court to challenge certain aspects of the *Final Results.* The litigation history of this procedure is outlined below.

On February 22, 2013, the Court remanded the matter.[4] The case was stayed pending the Court's final disposition on brokerage and handling in *Since Hardware* v. *United States,* Court No. 11–00106. The Court also stayed ruling on zeroing, pending the outcome of the Federal Circuit case, *Union Steel* v. *United States.* After the Federal Circuit issued its decision in *Union Steel,*[5] on August 22, 2013, the Court continued the stay pending its ruling of similar issues in *Since Hardware* v. *United States,* Court No. 11–00106. On December 30, 2014, the Court issued its decision in *Since Hardware* v. *United States,*[6] thereby lifting the stay in this case. Accordingly, on April 9, 2015, the Department issued its *First Redetermination,* in which it: (1) Determined to use the Indonesian "basket" category 7217.10 to value steel wire, (2) determined to use the brokerage and handling (B&H) calculation outlined in the *Final Results,* and (3) continued to apply the zeroing methodology utilized in the *Final Results.*[7]

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[1] *See* Final Results of Redetermination Pursuant to Court Remand, Floor Standing Metal Top Ironing Tables and Certain Parts Thereof from the People's Republic of China, *Foshan Shunde Yongjian Housewares & Hardwares Co., Ltd.* v. *United States,* Court No. 12–00069, Slip Op. 16–01 (CIT January 8, 2016), dated March 29, 2016 (Second Redetermination), available at *http://enforcement.trade.gov/remands/index.htm.*

[2] *See Floor-Standing Metal-Top Ironing Tables and Certain Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 77 FR 14499 (March 12, 2012), and accompanying Issues and Decision Memorandum (*Final Results*).

[3] *Id.*

[4] *See Foshan Shunde Yongjian Housewares & Hardwares Co., Ltd.* v. *United States,* 896 F. Supp. 2d 1313 (February 22, 2013) (*Foshan Shunde I*).

[5] *See Union Steel* v. *United States,* 713 F.3d 1101 (Fed. Cir. 2013).

[6] *See Since Hardware* v. *United States,* 37 F. Supp. 3d 1354, 1365 (CIT 2014).

Upon consideration of the *First Redetermination,* on January 8, 2016, the Court sustained: (1) The use of World Bank data to derive brokerage and handling expenses, and (2) the application of zeroing.[8] The Court, however, remanded the case to the Department to reconsider its adjustment of brokerage and handling based upon container size. Additionally, the Court directed the Department to use Indonesian HTS value 7217.10.00 to value Foshan Shunde's steel wire input.[9]

On March 29, 2016, we issued the *Second Redetermination,* where we used the Indonesian HTS value 7217.10.00, and did not adjust the ports and terminal handling fee and document preparation fee based upon container size.[10]

On April 6, 2016, the Court sustained the *Second Redetermination,* and entered final judgment.[11]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the Federal Circuit has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The Court's April 6, 2016, judgment sustaining the *Second Redetermination* constitutes a final decision of the Court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirement of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, the Department amends the *Final Results* with respect to the dumping margin of Foshan Shunde. The revised weighted-average dumping margin for Foshan Shunde during the period August 1, 2009, through July 31, 2010, is as follows:

Exporter	Weighted average dumping margin (percent)
Foshan Shunde Yongjian Housewares & Hardwares Co., Ltd	33.43

For Foshan Shunde, the cash deposit rate will remain the rate established in the *2010–2011 Final Results,* a subsequent review, which is 157.68 percent.[12]

In the event the Court's ruling is not appealed, or if appealed and upheld by the Federal Circuit, the Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on entries of the subject merchandise exported by Foshan Shunde using the revised assessment rate calculated by the Department in the *Second Redetermination.*

This notice is issued and published in accordance with sections 516(A)(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 13, 2016.

Paul Piquado,

Assistant Secretary for Enforcement & Compliance.

[FR Doc. 2016–12003 Filed 5–19–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 14–3A004]

Export Trade Certificate of Review

ACTION: Notice of application for an amended Export Trade Certificate of Review by DFA of California ("DFA"), Application No. 14–3A004.

SUMMARY: The Secretary of Commerce, through the International Trade Administration, Office of Trade and Economic Analysis (OTEA), has received an application for an amended Export Trade Certificate of Review ("Certificate") from DFA. This notice summarizes the proposed amendment and seeks public comments on whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph E. Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325 (2016). Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its application. Under 15 CFR 325.6(a), interested parties may, within twenty days after the date of this notice, submit written comments to the Secretary through OTEA on the application.

Request for Public Comments: Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the

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[7] *See* Final Results of Redetermination Pursuant to Court Remand Floor Standing Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China, dated April 9, 2015 (*First Redetermination*).

[8] *See Foshan Shunde Yongjian Housewares & Hardwares Co., Ltd.* v. *United States,* Court No. 12–00069, Slip Op. 16–01 (January 8, 2016) (*Foshan Shunde II*).

[9] *Id.*

[10] *See* Final Results of Redetermination Pursuant to Court Remand Floor Standing Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China, dated March 29, 2016 (*Second Redetermination*).

[11] *See Foshan Shunde Yongjian Housewares & Hardwares Co., Ltd.,* v. *United States,* Court No. 12–0006, Slip Op. 16–34 (April 6, 2016).

[12] *See Floor Standing Metal-Top Ironing Tables and Certain Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review* 77 FR 55806 (September 11, 2012) (*2010–2011 Final Results*).

Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the amended Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 14–3A004."

Summary of the Application

Applicant: DFA of California.

Contact: c/o Gilbert Associates, Inc., 2880 Gateway Oaks Drive, Suite 100, Sacramento, California 95833.

Application No.: 14–3A004.

Date Deemed Submitted: May 9, 2016.

Proposed Amendment

1. Change the name of existing Member Diamond Foods, Inc. to Diamond Foods, LLC.

DFA's proposed amendment of its Export Trade Certificate of Review would result in the following entities as Members under the Certificate:

1. Alpine Pacific Nut Company, Hughson, CA
2. Andersen & Sons Shelling, Vina, CA
3. Avanti Nut Company, Inc., Stockton, CA
4. Berberian Nut Company, LLC, Chico, CA
5. Carriere Family Farms, Inc., Glenn, CA
6. California Almond Packers and Exporters (CAPEX), Corning, CA
7. California Walnut Company, Inc., Los Molinos, CA
8. Chico Nut Company, Chico, CA
9. Continente Nut LLC, Oakley, CA
10. C. R. Crain & Sons, Inc., Los Molinos, CA
11. Crain Walnut Shelling, Inc., Los Molinos, CA
12. Crisp California Walnuts, Stratford, CA
13. Diamond Foods, LLC, Stockton, CA
14. Empire Nut Company, Colusa, CA
15. Fig Garden Packing, Inc., Fresno, CA
16. Gold River Orchards, Inc., Escalon, CA
17. Grower Direct Nut Company, Hughson, CA
18. GSF Nut Company, Orosi, CA
19. Guerra Nut Shelling Company, Hollister, CA
20. Hill View Packing Company Inc., Gustine, CA
21. Mariani Nut Company, Winters, CA
22. Mariani Packing Company, Inc., Vacaville, CA
23. Mid Valley Nut Company Inc., Hughson, CA
24. Morada Nut Company, LP, Stockton, CA
25. National Raisin Company, Fowler, CA
26. O–G Nut Company, Stockton, CA
27. Omega Walnut, Inc., Orland, CA
28. Pearl Crop, Inc., Stockton, CA
29. Poindexter Nut Company, Selma, CA
30. Prima Noce Packing, Linden, CA
31. RPC Packing Inc., Porterville, CA
32. Sacramento Packing, Inc., Yuba City, CA
33. Sacramento Valley Walnut Growers, Inc., Yuba City, CA
34. San Joaquin Figs, Inc., Fresno, CA
35. Shoei Foods USA, Inc., Olivehurst, CA
36. Stapleton-Spence Packing, Gridley, CA
37. Sun-Maid Growers of California, Kingsburg, CA
38. Sunsweet Growers Inc., Yuba City, CA
39. Taylor Brothers Farms, Inc., Yuba City, CA
40. T.M. Duche Nut Company, Inc., Orland, CA
41. Wilbur Packing Company, Inc., Live Oak, CA
42. Valley Fig Growers, Fresno, CA

Dated: May 17, 2016.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration.

[FR Doc. 2016–11991 Filed 5–19–16; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE628

Endangered and Threatened Species; Take of Anadromous Fish, Rockfish, and Eulachon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; applications for four new scientific research permits, two permit modifications, and one permit renewal.

SUMMARY: Notice is hereby given that NMFS has received seven scientific research permit application requests relating to Pacific salmon, steelhead, rockfish, sturgeon, and eulachon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on June 20, 2016.

ADDRESSES: Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Comments may also be sent via fax to 503–230–5441 or by email to *nmfs.nwr.apps@noaa.gov* (include the permit number in the subject line of the fax or email).

FOR FURTHER INFORMATION CONTACT: Rob Clapp, Portland, OR (ph.: 503–231–2314), Fax: 503–230–5441, email: *Robert.Clapp@noaa.gov*). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened Puget Sound (PS); threatened California Coastal (CC).

Steelhead (*O. mykiss*): Threatened PS; threatened Northern California (NC).

Chum salmon (*O. keta*): Threatened Hood Canal Summer-run (HCS).

Coho salmon (*O. kisutch*): Threatened Southern Oregon/Northern California Coast (SONCC).

Sockeye salmon (*O. nerka*): Threatened Ozette Lake (OL).

Eulachon (*Thaleichthys pacificus*): Threatened Southern (S).

Green sturgeon (*Acipenser medirostris*): Threatened S.

Bocaccio (*Sebastes paucispinis*): Endangered Puget Sound/Georgia Basin (PS/GB).

Canary rockfish (*S. pinniger*): Threatened PS/GB.

Yelloweye rockfish (*S. ruberrimus*): Threatened PS/GB.

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR parts 222–226). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 1586–4R

The NMFS Northwest Fisheries Science Center (NWFSC) is seeking to renew a five-year research permit to annually take juvenile PS steelhead, HCS chum salmon, and PS/GB bocaccio and juvenile, sub-adult, and adult PS Chinook salmon. The NWFSC research may also cause them to take juvenile PS/GB canary rockfish, juvenile PS/GB yelloweye rockfish, and adult S eulachon—species for which there are currently no ESA take prohibitions. The purpose of the NWFSC study is to characterize how wild, juvenile PS Chinook salmon and various forage fish species use nearshore habitats in the oceanographic basins of the Puget Sound, the Straits of Juan de Fuca, and the San Juan Islands (Washington). The project would benefit the listed species by helping managers develop protection and restoration strategies and monitor the effects of recovery actions by determining if nearshore populations are increasing or decreasing. It would also help mangers establish baseline abundance/composition metrics and genetic structures for nearshore populations throughout Puget Sound. The NWFSC proposes to capture fish using beach seines, Nordic surface trawls, lampara nets, purse seines, and hook-and-line angling. Captured fish would be transferred to live-wells, mesh pens, or aerated buckets. They would then be identified to species, counted, measured to length, weighed, checked for tags and fin clips, fin clipped for genetic analysis, and released. The NWFSC researchers would intentionally kill a subset of the captured PS Chinook salmon: For juveniles, they would kill hatchery and natural-origin fish; for sub-adults, they would only kill listed hatchery fish that have had their adipose fins clipped. The purpose of this activity is to obtain coded-wire tags for hatchery release information, otoliths for saltwater entry information, scales for genetic analysis, tissue samples for chemistry analysis, and stomach contents for diet analysis. These analyses would help managers determine contaminant exposure levels in the listed fish and determine how that exposure relates to nearby land use. The work would also provide information on population distribution and timing. Any fish that are accidentally killed as an unintended result of the overall work would be used to replace any proposed intentional sacrifice.

Permit 17062–5M

The NWFSC is seeking to modify a five-year research permit to annually take juvenile and adult PS Chinook salmon, PS steelhead, HCS chum salmon, and PS/GB bocaccio. The NWFSC research may also cause them to take adult S eulachon and juvenile and adult PS/GB canary rockfish and PS/GB yelloweye rockfish—species for which there are currently no ESA take prohibitions. The modified permit would increase the amounts of take they are allotted and allow additional methods and procedures. Sampling would take place throughout the Puget Sound, the Strait of Juan de Fuca, and Hood Canal, Washington. The purposes of the study are to (1) determine how much genetic variation exists between coastal and PS/GB DPS populations of bocaccio, canary rockfish, and yelloweye rockfish; (2) monitor long-term survival, movement patterns, and recovery from barotrauma from a subset of ESA-listed rockfish; (3) study how the low dissolved oxygen concentrations within the Hood Canal region of Puget Sound may cause listed rockfish species to alter their patterns of movement and activity; and (4) investigate whether eelgrass bed characteristics (patch size and level of nearby urbanization) affect the relative quality of these habitats as nursery habitat for rockfishes in the Puget Sound. The research would benefit rockfish by addressing various concerns related to the management status and eventual recovery of these species by collecting the necessary biological, genetic, habitat, and movement behavior information. The NWFSC proposes to capture fish by (1) using hook and line equipment at depths of 50–100 meters; (2) using a hand net while SCUBA diving at depths up to 40 meters; and (3) using minnow traps and Standard Monitoring Units for the recruitment of Reef Fishes (SMURFs) in or near eelgrass beds. For the hook and line fishing, captured rockfish would be slowly reeled to the surface and returned to the water via rapid submersion techniques to reduce barotrauma. For the hand netting, juvenile rockfish would be processed either at the capture site or brought to the surface before being released by rapid submersion. All captured ESA-listed rockfish would be measured, sexed, have a tissue sample taken, floy tagged, and released. A subset of these bocaccio and yelloweye rockfish would have an external acoustic transmitter attached to track movement, activity, and survivorship. If an individual of these species is captured dead or deemed nonviable, it would be retained for genetic analysis. All other fish would be immediately released at the capture site. For the minnow traps and SMURFs, they would be brought to the surface; emptied into a tub of water; and the fish would be identified by species, enumerated, and released. The researchers do not propose to kill any of the listed fish being captured, but a small number may die as an unintended result of the activities.

Permit 17851–2M

The Coastal Watershed Institute (CWI) is seeking to modify a five-year research permit to annually take juvenile PS Chinook salmon, PS steelhead, and HCS chum salmon. The CWI research may also cause them to take adult S eulachon—a species for which there are currently no ESA take prohibitions. The modified permit would increase the amounts of take they are currently allotted. Sampling would take place in the Elwha River estuary, Washington. The purpose of the research is to examine ecological function in the Elwha River nearshore environment with respect to determining how that environment supports fish species. The researchers would look at the population structures, migration timing, and life history strategies among local salmonids (Chinook, chum, sea-run cutthroat, steelhead, and bull trout) and measure ecological indices as well. The research would benefit listed species by generating information on the species' habitat needs and response to the removal of the Elwha and Glines Canyon dams. The CWI proposes to capture fish using a beach seine. Captured fish would be identified by their lowest taxonomic level. Twenty individuals from each species would be measured and released. Salmonids would be scanned for fin clips and tags. The researchers do not propose to kill any listed fish being captured, but some may die as an inadvertent result of the research.

Permit 20047

The University of Washington (UW) is seeking a three-year research permit to annually take juvenile PS Chinook salmon, PS steelhead, HCS chum salmon, and PS/GB bocaccio. The UW research may also cause them to take adult S eulachon and juvenile PS/GB canary rockfish and PS/GB yelloweye rockfish—species for which there are currently no ESA take prohibitions. Sampling would take place throughout the Puget Sound, Hood Canal, and Willapa Bay, Washington. The purpose of the study is to directly compare fish communities in seagrass-vegetated habitats and unvegetated tideflats at five intertidal sites where native eelgrass is found naturally interspersed with bare areas. The research would benefit listed species by evaluating their response to eelgrass habitats on Washington state tideflats and thereby help inform planning decisions regarding preserving, restoring, and monitoring selected aquatic sites. The UW proposes to capture fish using a beach seine. Captured fish would be identified to species, counted, measured to length (first 10 individuals of each species), and released. The researchers do not propose to kill any listed fish being captured, but a small number may die as an unintended result of the activities.

Permit 20104

The Pacific Shellfish Institute (PSI) is seeking a three-year research permit to annually take juvenile CC and PS Chinook salmon, NC and PS steelhead, SONCC coho salmon, HCS chum salmon, and S green sturgeon. The PSI research may also cause them to take adult S eulachon—a species for which there are currently no ESA take prohibitions. Sampling would take place in Samish Bay (Puget Sound, Washington), Willapa Bay (Washington), and Humboldt Bay (California). The purposes of the study are to (1) measure and quantify the effect of shellfish culture on seagrass and its function as habitat for fish and invertebrates; (2) determine the distribution of, and spatial relationship between, existing shellfish culture and seagrass in several Pacific Northwest estuaries; and (3) synthesize data and parameterize production functions for higher trophic level species of interest (*i.e.,* English sole, crab, salmon) across habitat types. The research would benefit listed species by (1) increasing knowledge at a landscape scale regarding the influence aquaculture may have on estuarine habitats and (2) improving development of environmentally and economically sustainable shellfish farming practices that minimize impacts on listed species. The PSI proposes to observe/harass fish using modified fyke net/camera deployments and capture fish using Breder traps. The modified fyke net/camera deployments will be left open-ended with four wings (hourglass shape) with two cameras to identify species; no fish will be handled. For the Breder traps, fish will be identified to species, counted, measured, and released. The researchers do not propose to kill any listed fish being captured, but a small number may die as an unintended result of the activities.

Permit 20349

The FRIENDS of the San Juans (FSJ) is seeking a five-year research permit to annually take juvenile PS Chinook salmon and PS steelhead in bays and intertidal zones around the San Juan Islands (Puget Sound, Washington). The FSJ research may also cause them to take adult S eulachon—a species for which there are currently no ESA take prohibitions. The purpose of the FSJ study is to assess fish utilization of shallow water and beach habitats before and after restoration activities. The research would benefit listed species by providing data for evaluating restoration project success. The FSJ proposes to capture fish using a beach seine. Captured fish would be identified to species, counted, measured to length (first 20 individuals of each species), and released. The researchers do not propose to kill any listed fish being captured, but a small number may die as an unintended result of the activities.

Permit 20451

The UW is seeking a two-year research permit to annually take juvenile and adult OL sockeye salmon in Lake Ozette (northwest Washington). The purpose of the UW study is to investigate the interactions of native predators (*i.e.,* northern pikeminnow, sculpin) and non-native predators (*i.e.* largemouth bass, yellow perch) with Olympic mudminnow (*Novumbra hubbsi),* a state sensitive species. The research would benefit the listed species because OL sockeye are similarly threatened by the same predators. The UW proposes to capture fish using minnow traps, hoop nets, gill nets, trammel nets, and hook and line. For OL sockeye salmon, captured fish would be handled and released. After the listed fish are released, the remaining fish would be anesthetized, fin clipped, gastric lavaged (or for northern pikeminnow, sacrificed), and released. The researchers do not propose to kill any listed fish being captured, but a small number may die as an unintended result of the activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: May 17, 2016.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–11999 Filed 5–19–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE630

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its *Scallop* Committee Meeting on Wednesday, June 8, 2016, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, June 8, 2016 at 9:30 a.m., to view the agenda, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held at the Hilton Garden Inn Boston Logan Airport, 100 Boardman Street, Boston, MA 02128; telephone: (617) 571–5478; fax: (617) 561–0798.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee will review the general workload for 2016 based on Council priorities and a draft action plan for *Scallop* Framework 28 (FW28) and potentially identify recommendations for prioritizing work items in upcoming actions. The Committee will also review progress on potential management measures that may be included in FW28, including: (1) Measures to restrict the possession of *shell* stock inshore of 42°20′ N.; (2) Modifications to the process for setting *scallop* fishery annual catch limits (ACL flowchart); (3) Measures to modify scallop access areas consistent with potential changes to habitat and *groundfish* mortality closed areas; and (4) Development of gear modifications to further protect small *scallops.* The Committee will provide research recommendations for the 2017/2018 *Scallop* Research Set-Aside (RSA) federal funding announcement and potentially discuss other RSA policies and program details.

The Committee will give a brief update on the required five-year review of the limited access general category IFQ program as well as review Advisory Panel recommendations. Other business may be discussed.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 17, 2016.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–11995 Filed 5–19–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Multistakeholder Process To Develop Consumer Data Privacy Code of Conduct Concerning Facial Recognition Technology

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene a meeting of a privacy multistakeholder process concerning the commercial use of facial recognition technology on June 15, 2016.

DATES: The meeting will be held on June 15, 2016 from 1:00 p.m. to 5:00 p.m., Eastern Time. See **SUPPLEMENTARY INFORMATION** for details.

ADDRESSES: The meeting will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Travis Hall, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; telephone (202) 482–3522; email *thall@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background: On February 23, 2012, the White House released *Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy* (the "Privacy Blueprint").[1] The Privacy Blueprint directs NTIA to convene multistakeholder processes to develop legally enforceable codes of conduct that specify how the Consumer Privacy Bill of Rights applies in specific business contexts.[2] On December 3, 2013, NTIA announced that it would convene a multistakeholder process with the goal of developing a code of conduct to protect consumers' privacy and promote trust regarding facial recognition technology in the commercial context.[3] On February 6, 2014, NTIA convened the first meeting of the multistakeholder process, followed by additional meetings through March 2016.

Matters to Be Considered: The June 15, 2016 meeting is a continuation of a series of NTIA-convened multistakeholder discussions concerning facial recognition technology. Stakeholders will engage in an open, transparent, consensus-driven process to develop a code of conduct regarding facial recognition technology. The June 15, 2016 meeting will build on stakeholders' previous work. More information about stakeholders' work is available at: *https://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology.*

Time and Date: NTIA will convene a meeting of the privacy multistakeholder process regarding facial recognition technology on June 15, 2016, from 1:00 p.m. to 5:00 p.m., Eastern Time. The meeting date and time are subject to change or cancellation. Please refer to NTIA's Web site, *https://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Place: The meeting will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006. The location of the meeting is subject to change. Please refer to NTIA's Web site, *https://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Other Information: The meeting is open to the public and the press. The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Travis Hall at (202) 482–3522 or *thall@ntia.doc.gov* at least seven (7) business days prior to the meeting. The meeting will also be webcast. Requests for real-time captioning of the webcast or other auxiliary aids should be directed to Travis Hall at (202) 482–3522 or *thall@ntia.doc.gov* at least seven (7) business days prior to the meeting. There will be an opportunity for stakeholders viewing the webcast to participate remotely in the meeting through a moderated conference bridge, including polling functionality. Access details for the meeting are subject to change. Please refer to NTIA's Web site, *https://www.ntia.doc.gov/other-publication/2013/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2016–11935 Filed 5–19–16; 8:45 am]

BILLING CODE 3510–60–P

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[1] The Privacy Blueprint is available at *https://www.whitehouse.gov/sites/default/files/privacy-final.pdf.*

[2] *Id.*

[3] NTIA, *Facial Recognition Technology, https://www.ntia.doc.gov/other-publication/2013/privacy-multistakeholder-process-facial-recognition-technology.*

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration (NTIA) on spectrum management policy matters.

DATES: The meeting will be held on June 8, 2016, from 1:00 p.m. to 4:00 p.m., Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held at Wilkinson Barker Knauer, LLP, 1800 M Street NW., Suite 800N, Washington, DC 20036. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4600, Washington, DC 20230 or emailed to *dreed@ntia.doc.gov.*

FOR FURTHER INFORMATION CONTACT: David J. Reed, Designated Federal Officer, at (202) 482–5955 or *dreed@ntia.doc.gov;* and/or visit NTIA's Web site at *https://www.ntia.doc.gov/category/csmac.*

SUPPLEMENTARY INFORMATION:

Background: The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes public benefits; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. *See* Charter at *https://www.ntia.doc.gov/files/ntia/publications/csmac_2015_charter_renewal_2-26-15.pdf.* This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: *https://www.ntia.doc.gov/category/csmac.*

Matters To Be Considered: The Committee provides advice to the Assistant Secretary to assist in developing and maintaining spectrum management policies that enable the United States to maintain or strengthen its global leadership role in the introduction of communications technology, services, and innovation; thus expanding the economy, adding jobs, and increasing international trade, while at the same time providing for the expansion of existing technologies and supporting the country's homeland security, national defense, and other critical needs of government missions. The Committee will hear reports of the following Subcommittees:

1. Federal Access to Non-Federal Bands (Bi-directional Sharing)
2. Agency and Industry Collaboration
3. Measurement and Sensing in 5 GHz band
4. Spectrum Access System (SAS)/Spectrum Database International Extension
5. 5G

NTIA will post a detailed agenda on its Web site, *https://www.ntia.doc.gov/category/csmac,* prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may speak to or otherwise address the Committee regarding the agenda items. *See Open Meeting and Public Participation Policy,* available at *https://www.ntia.doc.gov/category/csmac.*

Time and Date: The meeting will be held on June 8, 2016, from 1:00 p.m. to 4:00 p.m. EDT. The meeting time and the agenda topics are subject to change. The meeting will be available via two-way audio link and may be webcast. Please refer to NTIA's Web site, *https://www.ntia.doc.gov/category/csmac,* for the most up-to-date meeting agenda and access information.

Place: The meeting will be held at Wilkinson Barker Knauer, LLP, 1800 M Street NW., Suite 800N, Washington, DC 20036. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4600, Washington, DC 20230. The meeting will be open to the public and members of the press on a first-come, first-served basis. Space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Reed at (202) 482–5955 or *dreed@ntia.doc.gov* at least ten (10) business days before the meeting.

Status: Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of a meeting must send them to NTIA's Washington, DC office at the above-listed address and comments must be received five (5) business days before the scheduled meeting date to provide sufficient time for review. Comments received after this date will be distributed to the Committee, but may not be reviewed prior to the meeting. It would be helpful if paper submissions also include a compact disc (CD) in Word or PDF format. CDs should be labeled with the name and organizational affiliation of the filer. Alternatively, comments may be submitted electronically to *dreed@ntia.doc.gov.* Comments provided via electronic mail also may be submitted in one or more of the formats specified above.

Records: NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at NTIA's Washington, DC office at the address above. Documents including the Committee's charter, member list, agendas, minutes, and any reports are available on NTIA's Committee Web page at *https://www.ntia.doc.gov/category/csmac.*

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2016–11934 Filed 5–19–16; 8:45 am]

BILLING CODE 3510–60–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to and Deletions from the Procurement List.

SUMMARY: This action adds a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities, and deletes products and a service from the Procurement List previously furnished by such agencies.

DATES: Effective June 19, 2016.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On 7/2/2015 (80 FR 38179), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will provide the service to the Government.
2. The action will result in authorizing small entities to provide the service to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Service

Service Type: Sourcing, Warehousing, Assembly and Kitting Service
Service Is Mandatory for: Montana Army National Guard, Ft Harrison, MT
Mandatory Source of Supply: Industries for the Blind Inc., West Allis, WI
Contracting Activity: United States Property and Fiscal Office (USPFO) Montana, Montana Army National Guard, Fort Harrison, MT

Deletions

On 4/8/2016 (81 FR 20624) and 4/15/2016 (81 FR 22239), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the products and service to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service deleted from the Procurement List.

End of Certification

Accordingly, the following products and service are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
MR 938—Set, Cleaning, Microfiber, Leaf Print, 5 Piece
MR 951—Set, Cleaning, Microfiber, Cherry Print, 5 Piece
Mandatory Source(s) of Supply: New York City Industries for the Blind, Inc., Brooklyn, NY (Deleted)
Contracting Activity: Defense Commissary Agency
NSN(s)—Product Name(s):
MR 417—Latex Gloves, Long Cuff, Medium, 2 Pair
MR 418—Latex Gloves, Long Cuff, Large, 2 Pair
Mandatory Source(s) of Supply: Alphapointe, Kansas City, MO
Contracting Activity: Defense Commissary Agency
Service Type: Library Service
Mandatory for: Davis-Monthan Air Force Base, Davis-Monthan AFB, AZ
Mandatory Source(s) of Supply: J.P. Industries, Inc., Tucson, AZ
Contracting Activity: Dept of the Air Force, FA4877 355 CONS LGC, Davis-Monthan AFB, AZ

Patricia Briscoe,
Deputy Director, Business Operations, (Pricing and Information Management).

[FR Doc. 2016–11998 Filed 5–19–16; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletion from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a service previously furnished by such agency.

DATES: Comments must be received on or before 6/19/2016.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN(s)—Product Name(s):
6135–00–985–7846—Battery, Non-Rechargeable, C, Alkaline
6135–00–835–7210—Battery, Non-Rechargeable, D, Alkaline
Mandatory for: Total Government Requirement
Mandatory Source(s) of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC
Contracting Activity: Defense Logistics Agency Land and Maritime
Distribution: A-List
NSN(s)—Product Name(s)
7490–00–NIB–0046—Label Printer, High Speed, PC and Mac, Black/Silver
7490–00–NIB–0047—Label Maker, Industrial, Handheld, Orange
7490–00–NIB–0050—Kit, Desktop Label Maker
7510–00–NIB–1081—Tape, Label, Black on White, ½″ x 24′
7510–00–NIB–1082—Cartridge, Label, Black on White, ¾″ x 26.2′
7510–01–NIB–1054—Cartridge, Label, Black on Clear, ½″ x 23′
7510–01–NIB–1055—Cartridge, Label, Black on Yellow, ½″ x 23′
7510–01–NIB–1056—Cartridge, Label, White on Black, ½″ x 23′
7510–01–NIB–1057—Cartridge, Label, Heat Shrink Tube, Black on White, ½″ x 5′
7530–00–NIB–1174—Labels, File Folder, Black on White, 9⁄16'' x 3 7⁄16″
7530–00–NIB–1175—Labels, Address, Black on White, 1⅛″ x 3½″
7530–00–NIB–1176—Labels, Shipping, Black on White, 2⅛″ x 4″
7530–00–NIB–1177—Labels, Name Badge, Clip Hole, Black on White 2¼″ x 4″
Mandatory for: Total Government Requirement
Mandatory Source(s) of Supply: Association for the Blind and Visually Impaired—Goodwill Industries of Greater Rochester,

Rochester, NY

Contracting Activity: General Services Administration, New York, NY

Distribution: A-List

NSN(s)—Product Name(s)

8520–00–NIB–0134—Purell Instant Hand Sanitizer, Green-Certified, 8 oz. Bottle

8520–00–NIB–0135—Purell Instant Hand Sanitizer, Green-Certified, 12 oz. Bottle

8520–00–NIB–0141—Purell Instant Hand Sanitizer, Alcohol-Free, Foam, 535 ml Pump Bottle

8520–00–NIB–0142—Purell Instant Hand Sanitizer, Alcohol-Free, Foam, 45 ml Pump Bottle

8520–00–NIB–0143—Purell Instant Hand Sanitizer, Alcohol-Free, Foam, 1200 ml LTX Cartridge Refill

8520–00–NIB–0144—Purell Instant Hand Sanitizer, Alcohol-Free, Foam, 1200 ml ADX Cartridge Refill

Mandatory for: Department of Homeland Security

Mandatory Source(s) of Supply: Travis Association for the Blind, Austin, TX

Contracting Activity: Department of Homeland Security, Office of Procurement Operations

Distribution: C-List

NSN(s)—Product Name(s):

MR 10732—Hershey's Lava Cake Maker, Shipper 20732;

MR 10733—Reese's Lava Cake Maker, Shipper 20733

Mandatory for: The requirements of military commissaries and exchanges in accordance with the Code of Federal Regulations, Chapter 51, 51–6.4.

Mandatory Source(s) of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Contracting Activity: Defense Commissary Agency

Distribution: C-List

Services

Service Type: Base Supply Center

Service Mandatory For: USPFO, Camp Mabry, 2200 West 35th Street, Austin, TX

Mandatory Source(s) of Supply: Industries for the Blind, Inc., West Allis, WI

Contracting Activity: Dept of the Army, W7N2 USPFO ACTIVITY TX ARNG, Austin, TX

Service Type: Laundry and Linen Service

Service Mandatory For: US Navy, Naval Medical Center, 34800 Bob Wilson Drive, San Diego, CA

Mandatory Source(s) of Supply: Job Options, Inc., San Diego, CA

Contracting Activity: Naval Medical Center, San Diego, CA

Service Type: Warehouse Support Service

Service Mandatory for: Health and Human Services, Program Support Center, Supply Service Center, Bldg 5, Perry Point, MD, Supply Service Center, 4 Center Drive, North East, MD

Mandatory Source(s) of Supply: Didlake, Inc., Manassas, VA

Contracting Activity: Department of Health and Human Services, Perry Point, MD

Deletion

The following service is proposed for deletion from the Procurement List:

Service

Service Type: Janitorial/Custodial Service

Service Mandatory for: Middle River Depot, 2800 Eastern Blvd., Baltimore, MD

Mandatory Source(s) of Supply: The Chimes, Inc., Baltimore, MD

Contracting Activity: GSA/PBS/R03 Regional Contracts Support Services Section, Philadelphia, PA

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2016–11997 Filed 5–19–16; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2014–0033]

Proposed Collection; Comment Request

AGENCY: Army & Air Force Exchange Service (Exchange), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Army & Air Force Exchange Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 19, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: Mailbox 24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Army and Air Force Exchange Service, Office of the General Counsel, Compliance Division, Attn: Teresa Schreurs, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598 or call the Exchange Compliance Division at 800–967–6067.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exchange Accident/Incident Reports; Exchange Form 3900–017, "Statements", OMB Control Number: 0702–XXXX.

Needs and Uses: The information collection requirement is necessary to record incidents such as accidents, mishaps, fires, thefts or any issue involving government property. This collection insures the Exchange has the necessary information regarding injuries and illnesses in order to administer and follow-up on medical treatment and payment of claims. Collection assists the Exchange in recouping damages, correcting deficiencies, initiating appropriate disciplinary action(s), filing insurance and workers' compensation required documents.

Affected Public: Individuals or Households and Federal Government.

Annual Burden Hours: 4,854.

Number of Respondents: 4,854.

Responses per Respondent: 1.

Annual Responses: 4,854.

Average Burden per Response: 60 minutes.

Frequency: On occasion.

Respondents are Exchange employees, family members, customers, guests, visitors, and members of the public who have been involved in incidences relative to damage to Exchange property or facilities, have been suspected of shoplifting or theft or have been injured or developed an illness on any incident occurring at Exchange facilities.

Dated: May 16, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–11890 Filed 5–19–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Proposals by Non-Federal Interests, for Feasibility Studies and for Modifications to an Authorized Water Resources Development Project or Feasibility Study, for Inclusion in the Annual Report to Congress on Future Water Resources Development

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: Section 7001 of Water Resources Reform and Development Act (WRRDA) 2014 requires that the Secretary of the Army to annually submit to the Congress a report (Annual Report) that identifies feasibility reports, proposed feasibility studies submitted by non-Federal interests, and proposed modifications to an authorized water resources development project or feasibility study that meet certain criteria. The Annual Report is to be based, in part, upon requests for proposals submitted by non-Federal interests.

DATES: Proposals must be submitted online by September 19, 2016.

ADDRESSES: Submit proposals online at: *http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/WRRDA7001Proposals.aspx.* If a different method of submission is required, use the further information below to arrange an alternative submission process.

FOR FURTHER INFORMATION CONTACT: Send an email to the help desk at *WRRDA7001Proposal@usace.army.mil* or call Lisa Kiefel, Planning and Policy Division, Headquarters, USACE, Washington, DC at 202–761–0626.

SUPPLEMENTARY INFORMATION: Section 7001 of WRRDA 2014 requires the publication of a notice in the **Federal Register** to request proposals by non-Federal interests for feasibility studies and modifications to an authorized USACE water resources development project or feasibility study. Project feasibility reports that have successfully completed Executive Branch review, but have not been authorized will be included in the Annual Report table by the Secretary of the Army and these proposals do not need to be submitted in response to this notice.

Proposals by non-Federal interests must be entered online and require the following information:

1. The name of all non-Federal interests planning to act as the sponsor, including any non-Federal interest that has contributed to or is expected to contribute toward the non-Federal share of the proposed feasibility study or modification.
2. State if this proposal is for a feasibility study or a modification to an authorized USACE water resources development project or feasibility study and, if a modification, specify the authorized water resources development project or study that is proposed for modification.
3. State the specific project purpose(s) of the proposed study or modification.
4. Provide an estimate, to the extent practicable, of the total cost, and the Federal and non-Federal share of those costs, of the proposed study and, separately, an estimate of the cost of construction or modification.
5. Describe, to the extent applicable and practicable, an estimate of the anticipated monetary and non-monetary benefits of the proposal with regard to benefits to the protection of human life and property; improvement to transportation; the national economy; the environment; or the national security interests of the United States.
6. Describe if local support exists for the proposal.
7. State if the non-Federal interest has the financial ability to provide for the required cost share, reference ER 1105–2–100.
8. Upload a letter or statement of support from each associated non-Federal interest.

All provided information may be included in the Annual Report to Congress on Future Water Resources Development. Therefore, information that is Confidential Business Information; information that should not be disclosed because of statutory restrictions; or other information that a non-Federal interest would not want to appear in the Annual Report should not be included.

Process: Proposals received within the time frame set forth in this notice will be reviewed by the Chief of Engineers and Secretary of the Army and will be presented in one of two tables. The first table will be in the Annual Report itself, and the second table will be in an appendix. To be included in the Annual Report table, the proposals must meet the following criteria:

1. Are related to the missions and authorities of the USACE;

Involves a proposed or existing USACE water resources project or effort whose primary purpose is flood and storm damage reduction, commercial navigation, or aquatic ecosystem restoration. Following long-standing USACE practice, related proposals such as for recreation, hydropower, or water supply, are eligible for inclusion if undertaken in conjunction with such a project or effort.

2. Require specific congressional authorization, including by an Act of Congress;

This is envisioned to comprise the following cases:

a. SEEKING CONSTRUCTION AUTHORIZATION.

- Signed Chief's Reports or non-Federal feasibility reports submitted to the Secretary of the Army under Section 203 of WRDA 1986, as amended, under review,
- Signed Chief's Report or non-Federal feasibility reports not yet submitted to the Secretary of the Army under Section 203 of WRDA 1986, as amended,
- Ongoing feasibility studies that are expected to result in a Chief's Report, and
- Proposed modifications to authorized water resources development projects requested by non-Federal interests through the Section 7001 of WRRDA 2014 process.

b. SEEKING STUDY AUTHORIZATION.

- New feasibility studies proposed by non-Federal interests through the Section 7001 of WRRDA 2014 process will be evaluated by the USACE to determine whether or not there is existing study authority, and
- Proposed modifications to studies requested by non-Federal interests through the Section 7001 of WRRDA 2014 process.

c. The following cases are NOT CONSIDERED ELIGIBLE to be included in the Annual Report and will be included in the appendix for transparency:

- Proposals for modifications to non-Federal activities where USACE has provided previous technical assistance. Examples of this type of work include the various environmental infrastructure programs. Authorization to provide technical assistance does not provide authorization of a water resources development project.
- Proposals for construction of a new water resources development project that is not the subject of a currently

authorized USACE project or a complete or ongoing feasibility study.

- Proposals that do not include a request for a potential future water resources development project through completed feasibility reports, proposed feasibility studies, and proposed modifications to authorized projects or studies.

d. For proposals seeking new construction authorization, CONSTRUCTION ON ANY PROJECT IN THE ANNUAL REPORT TABLE CANNOT PROCEED UNTIL Congress authorizes and funds the project.

3. Have not been congressionally authorized;

4. Have not been included in the Annual Report table of any previous Annual Report to Congress on Future Water Resources Development; and

- If the proposal was included in the Annual Report table in a previous Report to Congress on Future Water Resources Development, then the proposal is not eligible to be included in the Annual Report table. If a proposal was previously included in an appendix it may be re-submitted.

5. If authorized, could be carried out by the USACE.

- Whether following the USACE Chief's Report process or Section 7001 of WRRDA 2014, a proposal for a project or a project modification would need a current decision document to provide updated information on the scope of the potential project and demonstrate a clear Federal interest. This determination would include an assessment of whether the proposal is:

—Technically sound, economically viable and environmentally acceptable.

—Compliant with environmental and other laws including but not limited to National Environmental Policy Act, Endangered Species Act, Coastal Zone Management Act, and the National Historic Preservation Act.

—Compliant with statutes and regulations related to water resources development including various water resources provisions related to the authorized cost of projects, level of detail, separable elements, fish and wildlife mitigation, project justification, matters to be addressed in planning, and the 1958 Water Supply Act.

Feasibility study proposals submitted by non-Federal interests are for the study only. If Congressional authorization of a feasibility study results from inclusion in the Annual Report, it is anticipated that such authorization would be for the study not for construction. Once a decision document is completed in accordance with Executive Branch policies and procedures, the Secretary will determine whether to recommend the project for authorization.

Section 902 of WRDA 1986 establishes a maximum authorized cost for projects (902 limit). A Post Authorization Change Report (PACR) is required to be completed to support potential modifications, updates to project costs, and an increase to the 902 limit. Authority to undertake a 902 study is inherent in the project authority, so no authority is required to proceed with the study. Since these PACRs support project modifications, they may be considered for inclusion in the Annual Report if a report's recommendation requires Congressional authorization.

The Secretary shall include in the Annual Report to Congress on Future Water Resources Development a certification stating that each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included in the Annual Report meets the criteria established in Section 7001 of WRRDA 2014.

Please contact the appropriate district office or use the contact information above for assistance in researching and identifying existing authorizations and existing USACE decision documents. Those proposals that do not meet the criteria will be included in an appendix table included in the Annual Report to Congress on Future Water Resources Development. Proposals in the appendix table will include a description of why those proposals did not meet the criteria.

Dated: May 6, 2016.

Steven L. Stockton,

Director of Civil Works.

[FR Doc. 2016–11944 Filed 5–19–16; 8:45 am]

BILLING CODE 3710–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0029]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Foreign Graduate Medical School Consumer Information Reporting Form

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 20, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0029. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Foreign Graduate Medical School Consumer Information Reporting Form.

OMB Control Number: 1845–0117.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 28.

Total Estimated Number of Annual Burden Hours: 448.

Abstract: This is a request for a renewal of the information collection to obtain consumer information from foreign graduate medical institutions that participate in the Federal Direct Loan Program. The form is used for reporting specific graduation information to the Department of Education in accordance with 34 CFR 668.14(b)(7). This is done to improve consumer information available to prospective U.S. medical student interested in foreign medical institutions.

Dated: May 17, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–11927 Filed 5–19–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2335–039]

Brookfield White Pine Hydro LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2335–039.

c. *Date filed:* December 11, 2015.

d. *Applicant:* Brookfield White Pine Hydro LLC (White Pine Hydro).

e. *Name of Project:* Williams Hydroelectric Project (Williams Project).

f. *Location:* The existing project is located on the Kennebec River in Somerset County, Maine. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Kelly Maloney, Manager of Licensing and Compliance, Brookfield White Pine Hydro LLC, 150 Main Street, Lewiston, ME 04240; Telephone: (207) 755–5606.

i. *FERC Contact:* Amy Chang, (202) 502–8250 or *amy.chang@ferc.gov.*

j. Deadline for filing motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2335–039.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *The Project Description:* The Williams Project has a total installed capacity of 13-megawatts (MW). The project's average annual generation is 96,731 megawatt-hours. The power generated by the project is sold on the open market into the regional grid.

The existing project consists of: (1) A 894.7-foot-long, 46.0-foot-high dam that includes: (a) A 202-foot-long, 15-foot-high earth embankment section with a concrete core wall; (b) a 244-foot-long, 32-foot-high stone masonry and concrete spillway section with six 32.5-foot-wide, 20.5-foot-high Tainter gates; (c) a 71.3-foot-long, 19.5-foot-high stone masonry and concrete abutment section; (d) a 203.3-foot-long, 26.5-foot-high stone masonry and concrete stanchion bay section with two 65.9-foot-wide, 17.5-foot-high and one 46.8-foot-wide, 17.5-foot-high stanchion bays; (e) a 27-foot-long, 46-foot-high bulkhead section with a 20.5-foot-wide, 7.0-foot-high surface weir gate and a 6.0-foot-wide, 12.3-foot-high Tainter gate at the upstream end of a 162-foot-long, 14-foot-wide steel-lined sluiceway; (f) a 95.5-foot-wide, 45.5- to 49.4-foot-high intake and powerhouse section with four headgates and two double-bay trashracks with 3.5-inch clear-bar spacing; and (g) a 51.6-foot-long, 10.5-foot-high concrete cut-off wall; (2) a 400-acre impoundment with a gross storage volume of 4,575 acre-feet and a useable storage volume of 2,065 acre-feet at a normal maximum elevation of 320 feet National Geodetic Vertical Datum; (3) a 40.5-foot-wide, 105.5-foot-long concrete powerhouse that is integral with the dam and contains two turbine-generator units rated at 6 and 7 MW; (4) a 6,000-foot-long, 150- to 175-foot-wide excavated tailrace; (5) a 200-foot-long generator lead and a 310-foot-long generator lead that connect the turbine-generator units to the regional grid; and (6) appurtenant facilities.

The Williams Project operates in a store-and-release mode where the impoundment level is fluctuated up to 6 feet on a daily basis to re-regulate inflow from upstream hydroelectric projects, maintain downstream flow, and meet peak demands for hydroelectric generation. The existing license requires an instantaneous minimum flow of 1,360 cubic feet per second, or inflow (whichever is less), in the tailrace. White Pine Hydro proposes to install an upstream eel passage facility, improve a canoe portage, and improve angler access. White Pine Hydro also proposes to remove 375.5 acres of land and water from the existing project boundary because it does not serve a project purpose.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy of the application is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must: (1) Bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:* The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary prescriptions	July 2016.
Commission Issues Environmental Assessment	November 2016.
Comments on Environmental Assessment	December 2016.
Modified terms and conditions	February 2017.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 18 CFR 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: May 13, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11897 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF16–3–000]

Millennium Pipeline Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned Eastern System Upgrade Project, and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Eastern System Upgrade Project (ESU Project) involving construction and operation of facilities by Millennium Pipeline Company, LLC (Millennium) in Sullivan, Delaware, Orange, and Rockland Counties, New York. The Commission will use this EA in its decision-making process to determine whether the ESU Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the ESU Project. You can make a difference by providing us with your specific comments or concerns about the ESU Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before June 10, 2016.

If you sent comments on the ESU Project to the Commission before the opening of this docket on January 19, 2016, you will need to file those comments in Docket No. PF16–3–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for the ESU Project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the ESU Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "*eRegister.*" If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the ESU Project docket number (PF16–3–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426

Summary of the Planned Project

Millennium plans to construct and operate about 7.8 miles of 30- and 36-inch-diameter pipeline loop [1] in Orange County, New York. The planned pipeline loop would transport natural gas from Millennium's existing Corning Compressor Station to an existing interconnect with Algonquin Gas Transmission, LLC in Ramapo, New York. Millennium would also construct a new compressor station in Sullivan County, New York; install additional compression at the Hancock Compressor Station in Delaware County, New York; and modify the Westtown Meter Station in Orange County, New York and the Ramapo Meter Station in Rockland County, New York. According to Millennium, the ESU Project would be designed to transport approximately 200,000 dekatherms per day of additional natural gas service. The general location of the ESU Project facilities is shown in appendix 1.[2]

The ESU Project would consist of the following facilities in New York:

- Approximately 7.8 miles of new 30- and 36-inch-diameter pipeline loop to be located generally adjacent to Millennium's existing mainline in Orange County;
- a new 22,400-horsepower compressor station in Sullivan County;
- an additional 22,400 horsepower of compression at the existing Hancock Compressor Station in Delaware County;
- modifications at the existing Ramapo Meter Station in Rockland County;
- modifications at the existing Huguenot and Westtown Meter Stations in Orange County; and
- construction of an interconnect to Millennium's proposed Valley Lateral Pipeline.

Land Requirements for Construction

Construction of the planned facilities would disturb about 199.6 acres of land for the aboveground facilities and the pipeline loop. Millennium would maintain about 51.0 acres for permanent operation of the ESU Project's facilities following construction; the remaining acreage would be restored and revert to former uses. Most of the pipeline loop would be located within Millennium's existing easements, offset about 25 feet from Millennium's existing pipeline.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to be addressed in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife, including migratory birds;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned ESU Project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues and will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the New York State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the ESU Project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the ESU Project develops. For natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

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[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all of those receiving this notice in the mail and are available at *www.ferc.gov* using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] "We," "us," and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the ESU Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

Copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (see appendix 2).

Becoming an Intervenor

Once Millennium files its application with the Commission, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the "e-filing" link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the ESU Project.

Additional Information

Additional information about the ESU Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF16–3). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.* Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,
Secretary.

[FR Doc. 2016–11908 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13753–002; Project No. 13762–002; Project No. 13763–002; Project No. 13766–002; Project No. 13767–002; Project No. 13771–002]

FFP Missouri 16, LLC; FFP Missouri 15, LLC; FFP Missouri 13, LLC; Solia 5 Hydroelectric, LLC ; Solia 4 Hydroelectric, LLC ; Solia 8 Hydroelectric, LLC ; Notice of Technical Conference

On Wednesday, June 1, 2016, Federal Energy Regulatory Commission staff will hold a technical conference to discuss cultural resources related to the following six proposed hydroelectric projects to be located on the Monongahela River: Opekiska Lock and Dam Hydroelectric Project No. 13753, Morgantown Lock and Dam Hydroelectric Project No. 13762, Gray's Landing Lock and Dam Hydroelectric Project No. 13763, Maxwell Lock and Dam Hydroelectric Project No. 13766, Monongahela Lock and Dam Number Four Hydroelectric Project No. 13767, and Point Marion Lock and Dam Hydroelectric Project No. 13771.

The technical conference will begin at 1:00 p.m. Eastern Daylight Time. The conference will be held at the Federal Energy Regulatory Commission headquarters building located at 888 1st Street NE., Washington, DC, and will include teleconference capabilities.

All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate. There will be no transcript of the conference, but a summary of the meeting will be prepared for the project record. If you are interested in participating in the meeting you must contact Allyson Conner at (202) 502–6082 or *allyson.conner@ferc.gov* by May 31, 2016 to receive specific instructions on how to participate.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: May 12, 2016.

Kimberly D. Bose,
Secretary.

[FR Doc. 2016–11907 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP16–618–000]

Algonquin Gas Transmission, LLC; Notice Establishing Comment Period

On May 9, 2016, Federal Energy Regulatory Commission staff held a technical conference to discuss issues raised in the protests and comments regarding the February 19, 2016 filing made by Algonquin Gas Transmission, LLC in the above-captioned docket.[1] This notice establishes the comment periods for parties wishing to submit comments following the technical conference. All parties are invited to submit initial comments on or before Tuesday, May 31, 2016. Reply comments are due on or before Friday, June 10, 2016.

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[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

For more information, please contact Anna Fernandez at *Anna.Fernandez@ferc.gov* or (202) 502–6682 or Frank Sparber at *Frank.Sparber@ferc.gov* or (202) 502–8335.

Dated: May 12, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11898 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–27–000]

Paulsboro Natural Gas Pipeline Company, LLC; Notice of Schedule for Environmental Review of the Delaware River Pipeline Relocation Project

On December 1, 2015, Paulsboro Natural Gas Pipeline Company, LLC (Paulsboro) filed an application in Docket No. CP16–27–000 requesting authorization and a Certificate of Public Convenience and Necessity pursuant to Section 7(b) and 7(c) of the Natural Gas Act (NGA) to abandon, construct, and operate certain natural gas pipeline facilities. The proposed project is known as the Delaware River Pipeline Relocation Project (Project).

On December 11, 2015, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—July 18, 2016

90-day Federal Authorization Decision Deadline—October 16, 2016

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Paulsboro proposes to abandon about 2.4 miles of 6- and 8-inch-diameter natural gas pipeline extending across the Delaware River between Delaware County, Pennsylvania and Gloucester County, New Jersey. Paulsboro would replace the abandoned pipeline with 2.6 miles of 12- and 24-inch-diameter pipeline installed under the Delaware River using the horizontal directional drill method. The purpose of the Project is to facilitate the United States Army Corps of Engineers' dredging activities for the Delaware River Main Channel Deepening Project (45-Foot Project). The Project would increase natural gas transportation capacity from 38 million standard cubic feet per day (MMScf/d) to 57.7 MMScf/d to the sole customer served by the pipeline, Paulsboro Refining Company, LLC.

Background

On January 19, 2016, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Delaware River Pipeline Relocation Project and Request for Comments on Environmental Issues* (NOI). The NOI was published in the **Federal Register** and mailed to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers.

In response to the NOI, the Commission received comments from Consolidated Rail Corporation, Delaware Riverkeeper Network, New Jersey Department of Environmental Protection, New Jersey State Historic Preservation Office, and Pennsylvania State Historic Preservation Office. The primary issues raised by the commentors included state permit requirements and environmental compliance; potential impacts on cultural and natural resources; cumulative impacts; pipeline safety; future upgrades of Paulsboro's facilities and systems; and natural gas production methods.

The Federal Aviation Administration, U.S. Coast Guard, and U.S. Army Corps of Engineers, Philadelphia District are cooperating agencies in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (*i.e.,* CP16–27), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: May 11, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11899 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR16–17–000]

Tricon Energy Ltd. and Rockbriar Partners Inc. v. Colonial Pipeline Company; Notice of Complaint

Take notice that on May 9, 2016, Tricon Energy Ltd. (Tricon) and Rockbriar Partners Inc. (Rockbriar) (collectively, Complainants) filed a protest, complaint, and motion to intervene in response to Colonial Pipeline Company's (Colonial or Respondent) tariff filing in Docket No. IS16–259–000. The motion to intervene and protest portion of Tricon's and Rockbriar's pleading was placed in the IS16–259–000 docket. The complaint portion of Tricon's and Rockbriar's pleading is being separately docketed in the proceeding captioned above.

Tricon and Rockbriar assert that Colonial is attempting to enforce a shipper history transfer policy that is not in the tariff that locks out New

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[1] *Algonquin Gas Transmission, LLC,* 154 FERC ¶ 61,269 (2016).

Shippers from obtaining capacity on Colonial in violation of Colonial's statutory common carrier duty set forth in section 1(4) of the Interstate Commerce Act (ICA). Tricon and Rockbriar assert that Colonial's practice violates the ICA's tariff publication requirement in section 6(1), as well as the Commission's regulations at 18 CFR 341.0(b)(1), 341.3(b)(6), and 341.8. Tricon and Rockbriar assert that Colonial's New Shipper lockout policy is a facet of its prorationing policy, and a restriction on service, that has not been reviewed and approved by the Commission to be part of Colonial's Tariff.

The Complainants certifies that copies of the complaint were served on the Respondents.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 31, 2016.

Dated: May 13, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–11888 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL16–68–000]

DesertLink, LLC; Notice of Petition for Declaratory Order

Take notice that on May 11, 2016, pursuant to section 219 of the Federal Power Act,[1] Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,[2] Order No. 679,[3] and the Commission's November 15, 2012 policy statement on transmission incentives,[4] DesertLink, LLC, (DesertLink or Petitioner), filed a petition for a declaratory order requesting the Commission authorize specific rate incentives and treatments for DesertLink's Harry Allen to Eldorado 500 kV Transmission Project, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 10, 2016.

Dated: May 12, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11904 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

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[1] 16 U.S.C. 824s (2012).

[2] 18 CFR 385.207 (2015).

[3] *Promoting Transmission Investment through Pricing Reform,* Order No. 679, 71 Fed. Reg. 43,294 (July 31, 2006); FERC Stats. & Regs. ¶ 31,222 (2006) ("*Order No. 679*"), *order on reh'g,* Order No. 679–A, 72 FR 1152 (Jan. 10, 2007); FERC Stats. & Regs. ¶ 31,236 (2006) ("*Order No. 679–A*"); *order denying reh'g,* 119 FERC ¶ 61,062 (2007).

[4] *Promoting Transmission Investment through Pricing Reform,* 141 FERC ¶ 61,129 (2012) ("Policy Statement").

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–325–001.
Applicants: EDF Energy Services, LLC.
Description: Compliance filing: Compliance filing 2016 EDF Energy to be effective 5/16/2016.
Filed Date: 5/13/16.
Accession Number: 20160513–5087.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–326–001.
Applicants: EDF Industrial Power Services (CA), LLC.
Description: Compliance filing: Compliance filing 2016 to be effective 5/16/2016.
Filed Date: 5/13/16.
Accession Number: 20160513–5085.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–327–001.
Applicants: EDF Trading North America, LLC.
Description: Compliance filing: Compliance filing 2016 EDF Trading to be effective 5/16/2016.
Filed Date: 5/13/16.
Accession Number: 20160513–5088.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1610–001.
Applicants: V3 Commodities Group, LLC.
Description: Tariff Amendment: Amendment to 1 to be effective 5/4/2016.
Filed Date: 5/13/16.
Accession Number: 20160513–5148.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1694–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) Rate Filing: Original WMPA SA No. 4461,

Queue No. W4–027 to be effective 1/5/2015.

Filed Date: 5/13/16.

Accession Number: 20160513–5090.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1695–000.

Applicants: Arizona Public Service Company.

Description: Section 205(d) Rate Filing: Rate Schedule Nos. 222, 282 and 283 to be effective 7/13/2016.

Filed Date: 5/13/16.

Accession Number: 20160513–5091.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1696–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: Original WMPA No. 4459; Queue No. AB1–116 to be effective 4/29/2016.

Filed Date: 5/13/16.

Accession Number: 20160513–5097.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1697–000.

Applicants: Ingenco Holdings, LLC.

Description: Notice of cancellation of market based tariff of Ingenco Holdings, LLC.

Filed Date: 5/13/16.

Accession Number: 20160513–5112.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1698–000.

Applicants: Avista Corporation.

Description: Section 205(d) Rate Filing: Avista Rate Schedule T–1054 LT UOF Agreement to be effective 8/1/2016.

Filed Date: 5/13/16.

Accession Number: 20160513–5114.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1699–000.

Applicants: Avista Corporation.

Description: Section 205(d) Rate Filing: Avista Rate Schedule T–1056 LT UOF Agreement to be effective 8/1/2016.

Filed Date: 5/13/16.

Accession Number: 20160513–5118.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1700–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits First Quarter 2016 Capital Budget Report.

Filed Date: 5/13/16.

Accession Number: 20160513–5129.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1701–000.

Applicants: Granite Mountain Solar East, LLC.

Description: Compliance filing: Comp. Filing—Amended MBR Tariff Limits and Exemptions to be effective 7/12/2016.

Filed Date: 5/13/16.

Accession Number: 20160513–5147.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1702–000.

Applicants: Granite Mountain Solar West, LLC.

Description: Compliance filing: Comp. Filing—Amendment to MBR Tariff Limits and Exemptions to be effective 7/13/2016.

Filed Date: 5/13/16.

Accession Number: 20160513–5179.

Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1703–000.

Applicants: Macquarie Energy LLC.

Description: Section 205(d) Rate Filing: Category 2 Notice re Central Region to be effective 5/14/2016.

Filed Date: 5/13/16.

Accession Number: 20160513–5200.

Comments Due: 5 p.m. ET 6/3/16.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF16–823–000.

Applicants: Gloversville-Johnstown Joint Wastewater.

Description: Form 556 of Gloversville-Johnstown Joint Wastewater Facility.

Filed Date: 5/12/16.

Accession Number: 20160512–5264.

Comments Due: None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–11887 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2934–028]

New York State Electric & Gas Corporation; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 2934–028.

c. *Dated Filed:* March 30, 2016.

d. *Submitted By:* New York State Electric & Gas Corporation.

e. *Name of Project:* Upper Mechanicville Hydroelectric Project.

f. *Location:* On the Hudson River, in Saratoga and Rensselaer Counties, New York. The project does not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Steve Mullin, Hydro-License Coordinator, Lead Analyst—Environmental Compliance, New York State Electric & Gas Corporation, 89 East Avenue, Rochester, NY 14649.

i. *FERC Contact:* Jody Callihan at (202) 502–8278 or email at *jody.callihan@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating New York State Electric & Gas

Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. New York State Electric & Gas Corporation filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2934–028.

All filings with the Commission must bear the appropriate heading: "Comments on Pre-Application Document," "Study Requests," "Comments on Scoping Document 1," "Request for Cooperating Agency Status," or "Communications to and from Commission Staff." Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by July 15, 2016.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: Wednesday, June 15, 2016.

Time: 7:00 p.m.

Location: Hilton Garden Inn (Whitney/Travers Room), 30 Clifton Country Road, Clifton Park, New York 12065.

Phone: (518) 371–7777.

Daytime Scoping Meeting

Date: Thursday, June 16, 2016.

Time: 9:00 a.m.

Location: Hilton Garden Inn (Whitney/Travers Room), 30 Clifton Country Road, Clifton Park, New York 12065.

Phone: (518) 371–7777.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the Web at *http://www.ferc.gov,* using the "eLibrary" link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an *Environmental Site Review* of the project on Wednesday, June 15, 2016, starting at 9:00 a.m. All participants should meet at the Upper Mechanicville Hydroelectric Plant, located at 40 Hudson Avenue, Mechanicville, New York 12118. All participants are responsible for their own transportation. Anyone with questions about the site visit should contact Mr. Steve Mullin of New York State Electric & Gas Corporation at (585) 771–4556 on or before June 1, 2016.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Dated: May 16, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11943 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP16–357–000 and PF15–31–000]

Columbia Gas Transmission, LLC; Notice of Application

Take notice that on April 29, 2016, Columbia Gas Transmission, LLC (Columbia Gas) 5151 San Felipe, Suite 2500, Houston, Texas 77056, filed in Docket No. CP16–357–000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to construct and operate the Mountaineer XPress Project, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to S. Diane Neal, Assistant General Counsel, Columbia Gas Transmission, LLC, 5151 San Felipe, Suite 2500, Houston, Texas 77056, at (713) 386–3745.

Specifically Columbia Gas proposes to: (i) Construct and operate approximately 170.1 miles of various diameter pipeline, (ii) modify threes existing compressor stations, (iii) construct and operate three new compressor stations, (iv) and install various appurtenant and auxiliary facilities, all located in either Marshall, Wetzel, Tyler, Doddridge, Ritchie, Calhoun, Wirt, Roane, Jackson, Mason, Putnam, Kanawha, Cabell, and Wayne Counties, West Virginia. The project will provide approximately 2.7 million dekatherms per day of additional capacity for firm transportation service. Columbia Gas is proposing incremental rates for transportation service on the facilities proposed for construction herein. The cost of the project will be approximately $2.059 billion.

On September 16, 2015 the Commission staff granted Columbia Gas' request to utilize the Pre-Filing Process and assigned Docket No. PF15–31–000 to staff activities involved in the Project. Now, as of the filing of the April 29, 2016 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP16–357–000, as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 3, 2016.

Dated: May 13, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11893 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1889–085; Project No. 2485–071]

FirstLight Hydro Generating Company; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project Nos.:* 1889–085 and 2485–071.

c. *Date Filed:* April 29, 2016.

d. *Applicant:* FirstLight Hydro Generating Company (FirstLight).

e. *Name of Project:* In the final license application, FirstLight proposes to combine the existing Turners Falls Hydroelectric Project and Northfield Mountain Pumped Storage Project into a single project that would be named the Northfield Project.

f. *Location:* The existing projects are located on the Connecticut River in Franklin County, Massachusetts; Windham County, Vermont; and Cheshire County, New Hampshire. The project boundary includes approximately 20 acres of federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Gus Bakas, Director-Massachusetts Hydro, FirstLight Hydro Generating Company, Northfield Mountain Station, 99 Millers Falls Road, Northfield, MA 01360; Telephone: (413) 422–5915 or *gus.bakas@gdfsuezna.com.*

i. *FERC Contact:* Brandon Cherry, (202) 502–8328 or *brandon.cherry@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. *The Project Description:* The Northfield Project would have a total installed capacity of 1,234.452 megawatts (MW). The project's average annual generation would be approximately 1,381,913 megawatt-hours (MWh) and average annual energy consumption from pumping would be approximately 1,437,464 MWh. The power generated by the project would be transmitted to the region through the New England Independent System Operator, a regional transmission organization that coordinates the movement of wholesale electricity.

Turners Falls Development

The proposed Turners Falls Development would consist of the following existing facilities: (1) A 630-foot-long, 35-foot-high dam (Montague dam) that includes: (i) Four 120-foot-wide, 13.25-foot-high bascule gates; and (ii) a 170-foot-long fixed section with a crest elevation of 185.5 feet National Geodetic Vertical Datum of 1929 (NGVD 29); (2) a 493-foot-long, 55-foot-high dam (Gill dam) that includes: (i) Three 40-foot-wide, 39-foot-high tainter gates; and (ii) 97.3- and 207.5-foot-long fixed sections with crest elevations of 185.5 feet NGVD 29; (3) a 2,110-acre impoundment with a useable storage volume of 16,150 acre-feet between elevations 176.0 feet and 185.0 feet NGVD 29; (4) a 214-foot-long, 33-foot-high gatehouse that includes six 9-foot-wide, 10.66-foot-high gates and nine 9.5-foot-wide, 12.6-foot-high gates; (5) a 2.1-mile-long, 120- to 920-foot-wide, 17- to 30-foot-deep power canal; (6) a 700-foot-long, 100-foot-wide, 16- to 23-foot-deep branch canal; (7) the Station No.1 generating facility that includes: (i) Eight 15-foot-wide bays with trashracks with 2.625-inch clear-bar spacing; (ii) four 100-foot-long, 13.1- to 14-foot-diameter penstocks; (iii) a 134-foot-long, 64-foot-wide powerhouse that contains five turbine-generator units with a total installed capacity of 5.636 MW; (iv) four 21-foot-long, 6.5-foot-diameter draft tubes; (v) five 40- to 70-foot-long, 2.4-kilovolt (kV) generator leads that connect the turbine-generator units to a generator bus; (vi) a 110-foot-long, 2.4-kV generator lead that connects the generator bus to a substation; and (vii) a 20-foot-long, 2.4-kV generator lead that connects the substation to three transformers; (8) the Cabot Station generating facility that includes: (i) An intake structure with 217-foot-wide, 31-foot-high trashracks with 0.94-inch and 3.56-inch clear-bar spacing; (ii) six 70-foot-long penstocks; (iii) a 235-foot-long, 79.5-foot-wide powerhouse that contains six turbine-generator units with a total installed capacity of 62.016 MW; (iv) six 41-foot-long, 12.5- to 14.5-foot-diameter draft tubes; (v) six 80- to 250-foot-long, 13.8-kV generator leads that connect the turbine-generator units to a generator bus; (vi) a 60-foot-long, 13.8-kV generator lead that connects the generator bus to the powerhouse roof; and (vii) a 200-foot-long, 13.8-kV generator lead that connects to a transformer; (9) eight 13.6-foot-wide, 16.7-foot-high power canal spillway gates that are adjacent to Cabot Station; (10) a 16.2-foot-wide, 13.1-foot-high log sluice gate in the Cabot Station forebay with an 8-foot-wide weir for downstream fish passage; (11) a 200-foot-long, 7-foot-diameter drainage tunnel (Keith Drainage Tunnel) and headgate; (12) a 955-foot-long, 5-foot-diameter lower drainage tunnel; (13) an 850-foot-long, 16-foot-wide, 10-foot-high fishway (Cabot fishway); (14) a 500-foot-long, 10-foot-wide, 10-foot-high fishway (Spillway fishway); (15) a 225-foot-long, 16-foot-wide, 17.5-foot-high fishway (Gatehouse fishway); and (16) appurtenant facilities.

Northfield Mountain Pumped Storage Development

The proposed Northfield Mountain Pumped Storage Development would consist of the following existing facilities: (1) A 1-mile-long, 30-foot-wide, 30- to 140-foot-high main dam that includes: (i) An intake structure with two 7-foot-wide, 9-foot-high sluice gates and an 8-foot-diameter outlet pipe; and (ii) a 589-foot-long, 2-foot-diameter low-level outlet pipe; (2) a 425-foot-long, 25-foot-high dike (North dike); (3) a 2,800-foot-long, 45-foot-high dike (Northwest dike); (4) a 1,700-foot-long, 40-foot-long dike (West dike); (5) a 327-foot-long, 10- to 20-foot-high gravity dam; (6) an ungated 550-foot-long, 6-foot-high spillway structure with a 20-foot-long notch at an elevation of 1,005.0 feet NGVD 29; (7) a 286-acre impoundment (upper reservoir) with a useable storage volume of 12,318 acre-feet between elevations 938.0 feet and 1,000.5 feet NGVD 29; (8) a 2,110-acre impoundment (lower reservoir or Turners Falls impoundment); (9) a 1,890-foot-long, 130-foot-wide intake channel with a 63-foot-long, 9-foot-high submerged check dam and two 6-foot-wide, 2.75-foot-high sluice gates and two 18-foot-wide stoplogs; (10) a 200-foot-long, 55-foot-wide, 80-foot-high pressure shaft; (11) an 853-foot-long, 31-foot-diameter penstock; (12) two 22-foot-diameter, 100- to 150-foot-long penstocks; (13) four 340-foot-long, 9.5- to 14-foot-diameter penstocks; (14) a 328-foot-long, 70-foot-wide powerhouse that contains four reversible pump turbine-generator units with a total installed capacity of 1,166.8 MW; (15) four 25-foot-long, 11-foot-diameter draft tubes that transition to a 20-foot-long, 17-foot-diameter draft tube; (16) a 5,136-foot-long, 33-foot-wide, 31-foot-high horseshoe-shaped tailrace tunnel; (17) 35-foot-long, 40-foot-high trapezoid-shaped stoplogs with 74.3- to 99.5-foot-wide, 48-foot-high trashracks with 6-inch clear-bar spacing; (18) four 26-foot-long, 13.8-kV generator leads that connect the turbine-generator units to four transformers; (19) two 3,000-foot-long, 345-kV pipe-type cables from the transformers to the Northfield Switching Station; (20) a 650-foot-long, 15-foot-deep fixed-position fish barrier guide net; and (21) appurtenant facilities.

The existing Turners Falls Hydroelectric Project operates in peaking and run-of-river modes depending on inflows. The existing license requires maintaining the impoundment between elevations 176.0 feet and 185.0 feet NGVD 29, and releasing a continuous minimum flow of 1,433 cubic feet per second, or inflow (whichever is less), from the project. FirstLight did not propose any changes to operation of this facility in its application.

The existing Northfield Mountain Pumped Storage Project generally operates in pumping mode during low-load periods and generating mode during high-load periods. In the summer and winter, the project generally operates in a peaking mode in the morning and late afternoon. In the spring and fall, the project may operate in a peaking mode one or two times a day depending on electricity demand. The existing license requires maintaining the upper reservoir between elevations 938.0 feet and 1,000.5 feet NGVD 29 (*i.e.,* a maximum reservoir drawdown of 62.5 feet).

FirstLight proposes to increase the maximum water surface elevation of the upper reservoir to 1,004.5 feet NGVD 29 and decrease the minimum water surface elevation of the upper reservoir to 920.0 feet NGVD 29 (*i.e.,* a maximum reservoir drawdown of 84.5 feet) year-round.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in item (h) above.

m. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:* In the final license application, FirstLight states that it will file an amended final license application after it completes all of the required studies in the approved study plan. On May 5, 2016, Commission staff issued a revised process plan and schedule that include milestones and dates for the filing and review of FirstLight's outstanding study reports. After FirstLight completes and files the outstanding study reports and amended final license application, Commission staff will issue a revised procedural schedule with target dates for the post-filing milestones listed below.

Milestone	Target date
Amended Final License Application	TBD
Notice of Acceptance/Notice of Ready for Environmental Analysis	TBD
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions	TBD
Commission issues Draft Environmental Impact Statement (EIS)	TBD
Comments on Draft EIS	TBD
Modified terms and conditions	TBD
Commission issues Final EIS	TBD

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: May 13, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–11889 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC08–126–001.
Applicants: LS Power Development, LLC, Luminus Management, LLC.
Description: Request for Suspension of Reporting Obligations, LS Power Development, LLC and Luminus Management, LLC.
Filed Date: 5/11/16.
Accession Number: 20160511–5306.
Comments Due: 5 p.m. ET 5/26/16.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG16–98–000.
Applicants: Paulding Wind Farm III LLC.
Description: Self-Certification of EWG of Paulding Wind Farm III LLC.
Filed Date: 5/13/16.
Accession Number: 20160513–5046.
Comments Due: 5 p.m. ET 6/3/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2331–055; ER10–2319–046; ER10–2317–046; ER13–1351–028; ER10–2330–053.
Applicants: J.P. Morgan Ventures Energy Corporation, BE Alabama LLC, BE CA LLC, Florida Power Development LLC, Utility Contract Funding, L.L.C.
Description: Notice of Non-Material Change in Status of the JPMorgan Sellers.
Filed Date: 5/12/16.
Accession Number: 20160512–5259.
Comments Due: 5 p.m. ET 6/2/16.

Docket Numbers: ER16–1331–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: Amended Filing-Clarify Process to Study Requests for Short-Term Service to be effective 5/31/2016.
Filed Date: 5/13/16.
Accession Number: 20160513–5047.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1689–000.
Applicants: ArcelorMittal Cleveland LLC.
Description: Baseline eTariff Filing: Petition for Acceptance of Market-Based Rate to be effective 6/30/2016.
Filed Date: 5/13/16.
Accession Number: 20160513–5001.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1690–000.
Applicants: Public Service Company of Colorado.
Description: Compliance filing: 20160513 ER16–524 CSU Renewable Energy Credits to be effective 4/16/2016.
Filed Date: 5/13/16.
Accession Number: 20160513–5070.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1691–000.
Applicants: Escalante Solar III, LLC.
Description: Compliance filing: Comp. Filing—Amendment to MBR Tariff Limits. and Exemptions to be effective 7/12/2016.
Filed Date: 5/13/16.
Accession Number: 20160513–5072.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1692–000.
Applicants: Arizona Public Service Company.
Description: Section 205(d) Rate Filing: Rate Schedule Nos. 44, 98, 211—Four Corners Acquisition to be effective 12/31/9998.
Filed Date: 5/13/16.
Accession Number: 20160513–5076.
Comments Due: 5 p.m. ET 6/3/16.

Docket Numbers: ER16–1693–000.
Applicants: Arizona Public Service Company.
Description: Section 205(d) Rate Filing: Reassignment of Service Agreement Nos. 350, 351 and 352 to be effective 4/15/2016.

Filed Date: 5/13/16.
Accession Number: 20160513–5077.
Comments Due: 5 p.m. ET 6/3/16.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES16–35–000.
Applicants: MDU Resources Group, Inc.
Description: Application of MDU Resources Group, Inc. for Authorization to issue securities for the Long-Term Performance Based Incentive Plan.
Filed Date: 5/12/16.
Accession Number: 20160512–5266.
Comments Due: 5 p.m. ET 6/2/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 13, 2016.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2016–11886 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2146–165]

Alabama Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Recreation Plan.

b. *Project No:* 2146–165.

c. *Date Filed:* March 31, 2016.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Coosa River Hydroelectric Project.

f. *Location:* The project is located on the Coosa River in Cherokee, Calhoun, Etowah, St. Clair, Talladega, Chilton, Coosa, Shelby, and Elmore Counties, Alabama, as well as Floyd County, Georgia.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* David Anderson, Alabama Power Company, 600 18th Street North, P.O. Box 2641, Birmingham, AL, 35203–8180, (205) 257–1398, *dkanders@southernco.com.*

i. *FERC Contact:* Dr. Mark Ivy, (202) 502–6156, *mark.ivy@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* June 13, 2016.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2146–165.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* As required by article 413 of the license, Alabama Power Company requests Commission approval of a proposed recreation plan for the project. The recreation plan provides a description of all existing and proposed recreation sites at the project (including any planned improvements at each site), an evaluation of existing signage at each site, a review of soil erosion and sediment control measures planned to stabilize shorelines where ground disturbing activities may occur, a discussion of refuse management at project recreation sites including implementation of a "carry in/carry out" program, a description of how the needs of persons with disability were considered in the planning and design of recreation facilities, and a provision to monitor woody debris.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: May 12, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11896 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2997–031]

South Sutter Water District; Notice of Intent To File License Application, Filing of Pre-Application Document, Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2997–031.

c. *Date Filed:* March 14, 2016.

d. *Submitted by:* South Sutter Water District.

e. *Name of Project:* Camp Far West Hydroelectric Project.

f. *Location:* On the Bear River, in Yuba, Nevada, and Placer Counties, California. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Bradley J. Arnold, General Manager/Secretary, South Sutter Water District, 2464 Pacific Avenue, Trowbridge, CA 95659; (530) 656–2242; email—*sswd@hughes.net.*

i. *FERC Contact:* Quinn Emmering at (202) 502–6382; or email at *quinn.emmering@ferc.gov.*

j. South Sutter Water District filed its request to use the Traditional Licensing Process on March 11, 2016. South Sutter Water District provided public notice of its request on April 14, 2016. In a letter dated May 13, 2016, the Director of the Division of Hydropower Licensing approved South Sutter Water District's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the California State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating South Sutter Water District as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. South Sutter Water District filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2997–031. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by June 30, 2019.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: May 13, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11906 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD16–15–000; ER16–1085–000; ER16–1649–000]

Reliability Technical Conference; California Independent System Operator Corporation; California Independent System Operator Corporation; Supplemental Notice With Agenda

As announced in the Notice of Technical Conference issued on February 3, 2016, the Commission will hold a technical conference on Wednesday, June 1, 2016 from 9:30 a.m. to 5:00 p.m. to discuss policy issues related to the reliability of the Bulk-Power System. The agenda for this conference is attached. Commission members will participate in this conference.

Advanced registration is not required, but is encouraged. Attendees may register at: *https://www.ferc.gov/whats-new/registration/06-01-16-form.asp.*

After the close of the conference, the Commission will accept written comments regarding the matters discussed at the technical conference. Any person or entity wishing to submit written comments regarding the matters discussed at the conference should submit such comments in Docket No. AD16–15–000 on or before July 8, 2016.

Information on this event will be posted on the Calendar of Events on the Commission's Web site, *www.ferc.gov,* prior to the event. The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting Company (202–347–3700). A free webcast of this event is also available through *www.ferc.gov.* Anyone with Internet access who desires to listen to this event can do so by navigating to *www.ferc.gov* Calendar of Events and locating this event in the Calendar. The event will contain a link to the webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: May 12, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11892 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc.

The New York Independent System Operator, Inc. Joint Electric System Planning Working Group

May 16, 2016, 10:00 p.m.–11:30 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/calendar/index.jsp.*

The New York Independent System Operator, Inc. Joint Electric System Planning Working Group and Transmission Planning Advisory Subcommittee Meeting

May 25, 2016, 1:30 p.m.–3:30 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/calendar/index.jsp.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER13–102.
New York Independent System Operator, Inc., Docket No. ER15–2059.
New York Independent System Operator, Inc., Docket No. ER16–120.
New York Independent System Operator, Inc., Docket No. ER13–1942.
New York Transco, LLC, Docket No. ER15–572.
New York Independent System Operator, Inc., Docket No. ER16–966.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Dated: May 12, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11895 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2153–041]

United Water Conservation District; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Trail Plan.

b. *Project No:* 2153–041.

c. *Date Filed:* April 1, 2016.

d. *Applicant:* United Water Conservation District.

e. *Name of Project:* Santa Felicia Hydroelectric Project.

f. *Location:* The project is located on Piru Creek in Ventura County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Anthony Emmert, United Water Conservation District, 106 N 8th Street, Santa Paula, CA 93060, (805) 525–4431, *tonye@unitedwater.org.*

i. *FERC Contact:* Dr. Mark Ivy, (202) 502–6156, *mark.ivy@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* June 13, 2016.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2153–041.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* As required by article 411 of the license, United Water Conservation District requests Commission approval of a proposed trail plan for the project. The trail plan focuses on enhancing access to two existing U.S. Forest Service trails (Pothole Trail and by extension, the Agua Blanca Trail) through the development of a trailhead for the Pothole Trail and upgrading the access road.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and

Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: May 12, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11905 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP16–361–000]

Columbia Gulf Transmission, LLC; Notice of Application

Take notice that on April 29, 2016, Columbia Gulf Transmission, LLC (Columbia Gulf), 5151 San Felipe, Suite 2400, Houston, Texas 77056, filed in Docket No. CP16–361–000 an application pursuant to sections 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to construct and operate the Gulf XPress Project, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Matthew J. Agen, Senior Counsel, Columbia Gas Transmission, LLC, 5151 San Felipe, Suite 2400, Houston, Texas 77056 at (713) 386–3619.

Specifically Columbia Gulf proposes to construct and operate seven new compressor stations and add compression to an existing compressor station, as well as other appurtenant facilities located in Kentucky, Tennessee, and Mississippi. The project will provide approximately 860,000 dekatherms per day of additional capacity for firm transportation service. Columbia Gas is proposing incremental rates for transportation service on the facilities proposed for construction herein. Columbia Gulf is proposing to establish incremental rates for transportation service on the facilities proposed for construction herein. The cost of the project will be approximately $674 million.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 3, 2016.

Dated: May 13, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–11894 Filed 5–19–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9946–73–OA]

Notification of a Public Meeting of the Science Advisory Board; Lake Erie Phosphorus Objectives Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public meeting of the SAB Lake Erie Phosphorus Objectives Review Panel to provide advice on the development of phosphorus loading targets for Lake Erie.

DATES: The public meeting will be held on June 21, 2016 from 9:00 a.m. to 5:00 p.m. (Central Time) and on June 22, 2016, from 8:30 a.m. to 2:00 p.m. (Central Time).

ADDRESSES: The public meeting will be held at the Palmer House Hilton Hotel, 17 East Monroe Street, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning this public meeting may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; by telephone at (202) 564–2155 or via email at *armitage.thomas@epa.gov.* General information concerning the SAB can be found at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Lake Erie Phosphorus Objectives Review Panel will hold a public meeting to provide advice to the EPA on the development of phosphorus loading targets for Lake Erie. The Panel will provide advice to the Administrator through the chartered SAB. The Panel previously met in 2014 to develop advice on modeling approaches to meet the Great Lakes Water Quality Agreement (GLWQA) Lake Ecosystem Objectives (79 FR 68441–68442).

EPA Region 5 is co-leading a binational workgroup to develop and implement the Nutrients Annex (“Annex 4”) of the 2012 GLWQA in accordance with Article 3(b)(i) of the GLWQA. Under Annex 4, the United States and Canada were charged with establishing binational Substance Objectives for phosphorus concentrations, loading targets, and allocations for the nearshore and offshore waters of Lake Erie. The EPA Region 5 Water Division has requested that the SAB review modeling results that informed the development of the binational phosphorus reduction targets. The EPA has also requested advice on future work to support implementation and evaluation of nutrient reduction goals for Lake Erie. The SAB Panel will review the documents titled *Annex 4 Ensemble Modeling Report and Appendix B,* and *Recommended Phosphorus Loading Targets for Lake Erie.* Additional information about this SAB advisory activity can be found at the following URL *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/GLWQA%20Annex%204?OpenDocument.*

Technical Contacts: Any technical questions concerning work conducted under the GLWQA Annex 4 and the documents to be reviewed by the SAB should be directed to Ms. Santina Wortman, Water Division, U.S. EPA Region 5, 77 West Jackson Boulevard (WW–15J), Chicago, Illinois 60604, by telephone at (312) 353–8319 or via email at *wortman.santina@epa.gov.*

Availability of the meeting materials: Prior to the meeting, the review documents, meeting agenda and other materials will be accessible on the meeting page on the SAB Web site at *http://www.epa.gov/sab.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Interested members of the public may submit relevant information on the topic of this advisory activity, including the charge to the panel and the EPA review documents, and/or the group conducting the activity, for the SAB to consider during the advisory process. Input from the public to the SAB will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for the SAB panel to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting an oral presentation at the meeting will be limited to five minutes per speaker. Interested parties should contact Dr. Thomas Armitage, DFO, in writing (preferably via email), at the contact information noted above, by June 14, 2016 to be placed on the list of public speakers for the meeting.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by Panel members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by June 14, 2016. It is the SAB Staff Office general policy to post written comments on the Web page for advisory meetings. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Armitage at the contact information provided above. To request accommodation of a disability, please contact Dr. Armitage preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: May 13, 2016.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2016–11973 Filed 5–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9946–72–OARM]

National Advisory Council for Environmental Policy and Technology Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of advisory committee meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92463, EPA gives notice of a public meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice to the EPA Administrator on a broad range of environmental policy, technology, and management issues. NACEPT members represent academia, industry, non-governmental organizations, and state, local and tribal governments. The purpose of this meeting is for NACEPT to continue developing recommendations to the Administrator regarding actions that EPA should take in response to technological and sociological developments in the area of citizen science. A copy of the meeting agenda will be posted at *http://www2.epa.gov/faca/nacept.*

DATES: NACEPT will hold a two-day public meeting on June 13, 2016, from 8:30 a.m. to 5:30 p.m. (EST) and June 14, 2016, from 8:30 a.m. to 2 p.m. (EST).

ADDRESSES: The meeting will be held at the EPA Headquarters, William Jefferson Clinton Federal Building South, Room 2138, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Eugene Green, Designated Federal Officer, *green.eugene@epa.gov,* (202) 564–2432, U.S. EPA, Office of Diversity, Advisory Committee Management, and Outreach (MC1601M), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to NACEPT should be sent to Eugene Green at *green.eugene@epa.gov* by June 6, 2016. The meeting is open to the public, with limited seating available on a first-come, first-served basis. Members of the public wishing to attend should contact Eugene Green via email or by calling (202) 564–2432 no later than June 6, 2016.

Meeting Access: Information regarding accessibility and/or accommodations for individuals with disabilities should be directed to Eugene Green at the email address or phone number listed above. To ensure adequate time for processing, please make requests for accommodations at least 10 days prior to the meeting.

Dated: May 3, 2016.

Eugene Green,

Designated Federal Officer.

[FR Doc. 2016–11972 Filed 5–19–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9027–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)

Filed 05/09/2016 Through 05/13/2016

Pursuant to 40 CFR 1506.9

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20160105, Final, BLM, NV, Coeur Rochester Mine Plan of Operations Amendment 10 and Closure Plan, Review Period Ends: 06/20/2016, Contact: Kathleen Rehberg 775–623–1500.

EIS No. 20160106, Draft, DOS, CA, Otay Mesa Conveyance and Disinfection System Project, Presidential Permit Application Review, Comment Period Ends: 07/05/2016, Contact: Jill Reilly 202–647–9798.

EIS No. 20160107, Draft Supplement, EPA, CT, Designation of Dredged Material Disposal Site(s) in Eastern Long Island Sound (ELIS), Comment Period Ends: 07/05/2016, Contact: Jean Brochi 617–918–1536.

EIS No. 20160108, Final Supplement, BLM, ID, Proposed Cottonwood Resource Management Plan Amendment for Domestic Sheep Grazing, Review Period Ends: 06/20/2016, Contact: Scott Pavey 208–769–5059.

EIS No. 20160109, Final, USACE, LA, Southwest Coastal Louisiana, Review Period Ends: 06/20/2016, Contact: William P. Klein, Jr. 504–862–2540.

Amended Notices

EIS No. 20160077, Draft, BLM, UT, Enefit Utility Corridor Project, Comment Period Ends: 06/14/2016, Contact: Stephanie Howard 435–781–4469 Revision to FR Notice Published 04/15/2016; Correction to Comment Period Ends from 06/07/2016 to 06/14/2016.

EIS No. 00000000, Final, NRC, NV, NUREG–2184, Supplement to the U.S. Department of Energy's Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada—Final Report, Contact: Christine Pineda 301–415–6789. Revision to FR Notice Published 05/13/2016. Prepared in accordance with NWPA § 114 and 10 CFR 51.109, which describe the NRC's NEPA process for its review of the proposed geologic repository at Yucca Mountain, Nevada.

Dated: May 17, 2016.

Karin Leff,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2016–11962 Filed 5–19–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability; Council Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Communications Security, Reliability, and Interoperability Council (CSRIC) V will hold its fifth meeting.

DATES: June 22, 2016.

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, Designated Federal Officer, (202) 418–1096 (voice) or *jeffery.goldthorp@fcc.gov* (email); or Suzon Cameron, Deputy Designated Federal Officer, (202) 418–1916 (voice) or *suzon.cameron@fcc.gov* (email).

SUPPLEMENTARY INFORMATION: The meeting will be held on June 22, 2016, from 1:00 p.m. to 5:00 p.m. in the Commission Meeting Room of the Federal Communications Commission, Room TW–C305, 445 12th Street SW., Washington, DC 20554.

The CSRIC is a Federal Advisory Committee that will provide recommendations to the FCC regarding best practices and actions the FCC can take to help ensure the security, reliability, and interoperability of communications systems. On March 19, 2015, the FCC, pursuant to the Federal Advisory Committee Act, renewed the charter for the CSRIC for a period of two years through March 18, 2017. The meeting on June 22, 2016, will be the fifth meeting of the CSRIC under the current charter. The FCC will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will provide audio and/or video coverage of the meeting over the Internet from the FCC's Web page at *http://www.fcc.gov/live.* The public may submit written comments before the meeting to Jeffery Goldthorp, CSRIC Designated Federal Officer, by email to *jeffery.goldthorp@fcc.gov* or U.S. Postal Service Mail to Jeffery Goldthorp, Associate Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW., Room 7–A325, Washington, DC 20554.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2016–11920 Filed 5–19–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10006, First Integrity Bank, National Association Staples, Minnesota

Notice is hereby given that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for First Integrity Bank, National Association, Staples, Minnesota ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of First Integrity Bank, National Association on May 30, 2008. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: May 17, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–11996 Filed 5–19–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 2, 2016.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Sam Charles Brown and Josephine Marie Brown, Pueblo, Colorado;* to retain voting shares and thereby control of Pueblo Bancorporation, parent of Pueblo Bank & Trust Company, both of Pueblo, Colorado. In addition, Michelle Rene Brown, Kenneth Scott Brown, Karla Lynn Brown, and Sam Charles Brown, III, all of Pueblo, Colorado, request approval to retain shares of Pueblo Bancorp and for approval as members of the Brown Family Group, which acting in concert controls Pueblo Bancorp.

Board of Governors of the Federal Reserve System, May 13, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–11863 Filed 5–19–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on its proposal to extend, for three years, the current PRA clearance for information collection requirements contained in the Contact Lens Rule. This clearance expires on September 30, 2016.

DATES: Comments must be received on or before July 19, 2016.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write "Contact Lens Rule: FTC File No. P054510" on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/contactlensrulepra* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the collection of information and supporting documentation should be addressed to Alysa S. Bernstein, Attorney, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Mail Drop CC–10528, Washington, DC 20580, at (202) 326–3289.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act ("PRA"), 44 U.S.C. 3501–3520, federal agencies must get OMB approval for each collection of information they conduct, sponsor, or require. "Collection of information" means agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the information collection requirements associated with the Commission's rules and regulations under the Contact Lens Rule, 16 CFR part 315 (OMB Control Number 3084–0127).

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond. All comments must be received on or before July 19, 2016.

The Rule was promulgated by the FTC pursuant to the Fairness to Contact Lens Consumers Act (FCLCA), Public Law 108–164 (Dec. 6, 2003), which was enacted to enable consumers to purchase contact lenses from the seller of their choice. The Rule became effective on August 2, 2004. As mandated by the FCLCA, the Rule requires the release and verification of contact lens prescriptions and contains recordkeeping requirements applying to both prescribers and sellers of contact lenses.

Specifically, the Rule requires that prescribers provide a copy of the prescription to the consumer upon the completion of a contact lens fitting, even if the patient does not request it, and verify or provide prescriptions to authorized third parties. The Rule also mandates that a contact lens seller may sell contact lenses only in accordance with a prescription that the seller either: (a) Has received from the patient or prescriber; or (b) has verified through direct communication with the prescriber. In addition, the Rule imposes recordkeeping requirements on contact lens prescribers and sellers. For example, the Rule requires prescribers to document in their patients' records the medical reasons for setting a contact lens prescription expiration date of less than one year. The Rule requires contact lens sellers to maintain records for three years of all direct communications involved in obtaining verification of a contact lens prescription, as well as prescriptions, or copies thereof, which they receive directly from customers or prescribers.

The information retained under the Rule's recordkeeping requirements is used by the Commission to substantiate compliance with the Rule and may also provide a basis for the Commission to bring an enforcement action. Without the required records, it would be difficult either to ensure that entities are complying with the Rule's requirements or to bring enforcement actions based on violations of the Rule.

No substantive provisions in the Rule have been amended or changed since staff's prior submission to OMB.[1] Thus, the Rule's disclosure and recordkeeping requirements remain the same.

Estimated total annual hours burden: Approximately 1,796,764 hours.

This figure is derived by adding 843,159 disclosure hours for contact lens prescribers to 953,605 recordkeeping hours for contact lens sellers, for a combined industry total of 1,796,764 hours. This is higher than estimates submitted to OMB in 2013 (the respective figure was 1,594,981 hours in July 2013). The higher estimate is due to an increase in the estimated number of contact lens wearers from 38 million (2012) to 41 million (2015), and an increase in the estimated percentage of verification requests that require the prescribers to make an affirmative response.

1. Prescribers

The Rule requires prescribers to make disclosures in two ways. Upon completing a contact lens fitting, the Rule requires that prescribers (1) provide a copy of the contact lens prescription to the patient, and (2) as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription. Prescribers can verify a prescription either by responding affirmatively to a request for verification, or by not responding at all, in which case the prescription will be "passively verified" after eight business hours. Prescribers are also required to correct an incorrect prescription submitted by a seller, and notify a seller if the prescription submitted for verification is expired or otherwise invalid.[2] Staff believes that the burden of complying with these requirements is relatively low.

As noted above, the number of contact lens wearers in the United States is estimated to be approximately 41 million.[3] Therefore, assuming an annual contact lens exam for each contact lens wearer, approximately 41 million people would receive a copy of their prescription each year under the Rule.[4]

At an estimated one minute per prescription,[5] the annual time spent by prescribers complying with the requirement to release prescriptions to patients would be approximately 683,333 hours. [(41 million × 1 minute)/ 60 minutes = 683,333 hours]. This estimate likely overstates the actual burden because it includes the time spent by prescribers who already release prescriptions to patients in the ordinary course of business.

As stated above, prescribers may also be required to provide or verify contact lens prescriptions to sellers. According to recent survey data, approximately 35.6% of contact lens purchases are from a source other than the prescriber.[6]

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[1] The FTC most recently submitted clearance three years ago. 78 FR 9391 (Feb. 8, 2013) and 78 FR 44122 (Jul. 23, 2013).

[2] 16 CFR 315.5.

[3] Jason J. Nichols, 2015 Annual Report: Contact Lenses 2015, Contact Lens Spectrum, Vol. 31, Jan. 2016, pp. 18–23, 18.

[4] In the past, some commentators have suggested that typical contact lens wearers obtain annual exams every 18 months or so, not every year. However, because most prescriptions are valid a minimum of one year under the Rule, and use of a longer exam cycle would lead to an estimate of a lower number of exams and a reduced burden, we continue to estimate that patients seek exams every 12 months.

[5] In the past, some commenters have suggested that prescribers spend three to five minutes providing a prescription to each patient. However, the Paperwork Reduction Act defines "burden" in such a way that it excludes any effort that would be expended regardless of a regulatory requirement. 5 CFR 1320.3(b)(2). In most instances, an eye care professional would already spend time inputting the prescription into the patient's file regardless of the Rule, and the extra burden imposed by the Rule is merely copying that prescription for the patient, which we estimate at one minute.

[6] VisionWatch Eyewear U.S. Study, The Vision Council, Contact Lenses, December 2015, 11A.

Assuming that each of the 41 million contact lens wearers in the U.S. makes one purchase per year, this means that approximately 14,596,000 contact lens purchases (41 million × 35.6%) are made from sellers other than the prescriber.

Based on recent discussions with industry, approximately 73% of sales by non-prescriber sellers require verification, and prescribers affirmatively respond (by notifying the seller that the prescription is invalid or incorrect) to approximately 15% of those verification requests. Using a response rate of 15%, the FTC therefore estimates that prescribers' offices respond to approximately 1,598,262 verification requests annually. [(14,596,000 × 73%) × 15% = 1,598,262 responses]. Additionally, some prescribers may voluntarily respond to verification requests and confirm prescriptions (as opposed to simply letting the prescription passively verify). Because correcting or declining incorrect prescriptions is mandated by the Rule and occurs in response to approximately 15% of requests, staff assumes that prescribers voluntarily confirm prescriptions less often, and confirm no more than an additional 15% of prescriptions. Using a combined response rate of 30%, the FTC estimates that prescribers' offices respond to approximately 3,196,524 requests annually.

We estimate that responding to verification requests requires three minutes per request.[7] Using that data, we estimate that these responses require an additional 159,826 hours annually. [(3,196,524 × 3 minutes)/60 minutes = 159,826 hours].

Combining these hours with the hours spent disclosing prescriptions to consumers, we estimate a total of 843,159 hours for contact lens prescribers. [683,333 + 159,826 hours = 843,159 hours].

Lastly, as required by the FCLCA, the Rule also imposes a recordkeeping requirement on prescribers. They must document the specific medical reasons for setting a contact lens prescription expiration date shorter than the one-year minimum established by the FCLCA. This burden is likely to be nil because the requirement applies only in cases when the prescriber invokes the medical judgment exception, which is expected to occur infrequently, and prescribers are likely to record this information in the ordinary course of business as part of their patients' medical records. As mentioned previously, the OMB regulation that implements the PRA defines "burden" to exclude any effort that would be expended regardless of a regulatory requirement.[8]

2. Sellers

As noted above, a seller may sell contact lenses only in accordance with a valid prescription that the seller (a) has received from the patient or prescriber, or (b) has verified through direct communication with the prescriber. The FCLCA also requires sellers to retain prescriptions and records of communications with prescribers relating to prescription verification for three years. Staff believes that the burden of complying with these requirements is relatively low.

As stated previously, there are approximately 14,596,000 sales by non-prescriber sellers annually and approximately 73% of those sales require verification. Therefore, sellers verify approximately 10,655,080 orders annually and retain two records for such sales: The verification request and any response from the prescriber. Staff estimates that sellers' verification and recordkeeping for those orders will entail a maximum of five minutes per sale. At an estimated five minutes per sale to each of the approximately 10,655,080 orders, contact lens sellers will spend a total of 887,923 burden hours complying with this portion of the requirement. [(10,655,080 orders × 5 minutes)/60 minutes = 887,923 hours].

This means that approximately 27% of the remaining sales to non-prescriber sellers do not require verification and require the seller to keep only the prescription provided. Staff estimates that this recordkeeping burden requires at most one minute per order for 3,940,920 orders, resulting in 65,682 burden hours. [(3,940,920 orders × 1 minute)/60 minutes = 65,682 hours].

Combining burden hours for all orders, staff estimates a total of 953,605 hours for contact lens sellers. This estimate likely overstates the actual burden because it includes the time spent by sellers who already keep records pertaining to contact lens sales in the ordinary course of business. In addition, the estimate may overstate the time spent by sellers to the extent that records (*e.g.,* verification requests) are generated and stored automatically and electronically, which staff understands is the case for some online sellers.

Estimated total labor cost burden: Approximately $61,540,563.

Commission staff derived labor costs by applying appropriate hourly cost figures to the burden hours described above. Based on information from the industry, staff estimates that optometrists account for approximately 85% of prescribers. Consequently, for simplicity, staff will focus on their average hourly wage in estimating prescribers' labor cost burden.

According to Bureau of Labor Statistics, salaried optometrists earn an average wage of $55.65 per hour and general office clerks earn an average wage of $15.33 per hour.[9]

Assuming that optometrists are performing the brunt of the labor for prescribers and office clerks are performing the labor for non-prescriber sellers, estimated total labor cost attributable to the Rule would be approximately $61,254,481. [($55.65 × 843,159 prescriber hours = 46,921,798) + ($15.33 × 953,605 office clerk hours = 14,618,765) = $61,540,563].

The contact lens market is a multibillion-dollar market. One survey estimates that contact lens sales in the U.S. in 2015 totaled $4,664,200,000 at the retail level.[10] The total labor cost burden estimate of $61,540,563 represents approximately 1.3% of the overall retail market.

Request for Comments:

You can file a comment online or on paper. Write "Contact Lens Rule: FTC File No. P054510" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as a Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which is . . . privileged or confidential," as discussed in section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

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[7] This estimate is based on the Comment of Roger Jordan of the American Optometric Association, April 9, 2013, at 2, available on the FTC's Web site at *https://www.ftc.gov/policy/public-comments/initiative-479.*

[8] 5 CFR 1320.3(b)(2).

[9] Press Release, Bureau of Labor Statistics, United States Department of Labor, Occupational Employment Statistics—May, 2015, available at *http://www.bls.gov/news.release/ocwage.t01.htm.*

[10] The Vision Council, US Optical Industry Report Card, December 2015.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, the Commission encourages you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/contactlensrulepra* by following the instructions on the Web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write "Contact Lens Rule: FTC File No. P054510" on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610, (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before July 19, 2016. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2016–11952 Filed 5–19–16; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1665–N]

Medicare Program; Announcement of the Advisory Panel on Hospital Outpatient Payment (the Panel) Meeting on August 22–23, 2016 and Announcement of Transition to One Meeting of the Panel Per Year

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the summer meeting of the Advisory Panel on Hospital Outpatient Payment (the Panel) for 2016. It also announces that the Panel will begin meeting once a year in the summer, beginning in Calendar Year 2017. Currently, the Panel convenes twice yearly. The purpose of the Panel is to advise the Secretary of the Department of Health and Human Services (DHHS) (the Secretary) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) (the Administrator) on the clinical integrity of the Ambulatory Payment Classification (APC) groups and their associated weights and hospital outpatient therapeutic services supervision issues.

DATES: *Meeting Dates:* The second semi-annual meeting in 2016 is scheduled for the following dates and times. The times listed in this notice are Eastern Daylight Time (EDT) and are approximate times; consequently, the meetings may last longer or be shorter than the times listed in this notice, but will not begin before the posted times:

- Monday, August 22, 2016, 9 a.m. to 5 p.m. EDT.
- Tuesday, August 23, 2016, 9 a.m. to 5 p.m. EDT.

Meeting Information Updates: The actual meeting hours and days will be posted in the agenda. As information and updates regarding the onsite, webcast and teleconference meeting, and agenda become available, they will be posted to the CMS Web site at: *http://cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html.*

Deadlines

Deadline for Presentations and Comments

Presentations or comments and form CMS–20017, (located at *http://www.cms.hhs.gov/cmsforms/downloads/cms20017.pdf*) must be received by 5 p.m. EDT, Friday, July 15, 2016. Presentations and comments that are not received by the due date and time will be considered late and will not be included on the agenda. In commenting, please refer to file code CMS–1665–N.

Meeting Registration Timeframe: Monday, June 27, 2016, through Friday, July 29, 2016 at 5 p.m. EDT.

Participants planning to attend this meeting in person must register online, during the above specified timeframe at: *https://www.cms.gov/apps/events/default.asp.* On this Web page, double click the "Upcoming Events" hyperlink, and then double click the "HOP Panel" event title link and enter the required information. Include any requests for special accommodations.

Note: Participants who do not plan to attend the meeting in person should not register. No registration is required for participants who plan to view the meeting via webcast.

Because of staff and resource limitations, we cannot accept comments and presentations by facsimile (FAX) transmission.

Meeting Location, Webcast, and Teleconference

The meeting will be held in the Auditorium, CMS Central Office, 7500 Security Boulevard, Woodlawn, Maryland 21244–1850. Alternately, the public may either view this meeting via a webcast or listen by teleconference. During the scheduled meeting, webcasting is accessible online at: *http://cms.gov/live.* Teleconference dial-in information will appear on the final meeting agenda, which will be posted on the CMS Web site when available at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html.*

News Media

Representatives must contact our Public Affairs Office at (202) 690–6145.

Advisory Committees' Information Lines

The phone number for the CMS Federal Advisory Committee Hotline is (410) 786–3985.

Web Sites

For additional information on the Panel and updates to the Panel's activities, we refer readers to view our Web site at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html.*

Information about the Panel and its membership in the Federal Advisory Committee Act (FACA) database are also located at: *http://facadatabase.gov/.*

FOR FURTHER INFORMATION CONTACT: Carol Schwartz, Designated Federal Official (DFO), 7500 Security Boulevard, Mail Stop: C4–04–25, Woodlawn, MD 21244–1850. Phone: (410) 786–3985. Email: *APCPanel@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Department of Health and Human Services (DHHS) (the Secretary) is required by section 1833(t)(9)(A) of the Social Security Act (the Act) and is allowed by section 222 of the Public Health Service Act (PHS Act) to consult with an expert outside panel, that is, the Advisory Panel on Hospital Outpatient Payment (the Panel) regarding the clinical integrity of the Ambulatory Payment Classification (APC) groups and relative payment weights. The Panel is governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), to set forth standards for the formation and use of advisory panels. We consider the technical advice provided by the Panel as we prepare the proposed and final rules to update the hospital outpatient prospective payment system (OPPS). The Panel (formerly the Advisory Panel on Ambulatory Payment Classification Groups) was originally chartered on November 21, 2000, and most recently re-chartered on November 6, 2014. The Panel Charter provides that the Panel shall meet up to 3 times annually. The first meeting of the Panel (was in Calendar Year (CY) 2001). For CY 2001 and 2002, the Panel convened once a year. At that time, the OPPS was new and there were many issues where the Panel provided important technical advice to the Centers for Medicare & Medicaid (CMS). Agendas for these 2-day meetings were very full and it was decided that two, 2-day meetings per year would be warranted to accommodate the workload of the Panel. Beginning in CY 2003, the Panel has convened twice yearly, in the summer and in the winter. Over time and as the OPPS has matured, policies have become more stable and the volume of issues that the Panel has been requested to provide technical advice on has decreased significantly. The duration of these meetings has decreased significantly, with the most recent four meetings each averaging a half day or less in length.

Beginning in CY 2016, new Current Procedural Terminology (CPT) codes (effective on January 1 of the following year) are assigned status indicators and APC assignments in the OPPS proposed rule instead of being first assigned status indicators and APC assignments in the final rule. With this process change, stakeholders now provide their comments on the status indicators and APC assignments during the proposed rule comment period.

II. Panel Meeting Transition to One Meeting of the Panel Per Year

Beginning in CY 2003 and through CY 2016, we had 13 consecutive years of two Panel meetings a year. However, due to a significant decline in the volume of requests for technical advice from the Panel, beginning in CY 2017, we will transition back to 1 Panel meeting a year, which will be scheduled in the summer. Since the summer meeting occurs during the comment period for the OPPS proposed rule, we anticipate that there will be more requests for technical advice including the CMS treatment of new CPT codes, during this meeting than during a winter meeting. The winter Panel meeting is no longer necessary as a forum to discuss interim final status indicators and APC assignments of new codes because this process no longer exists. In CY 2017 and thereafter, (unless CMS programmatic need suggests otherwise) there will not be a winter Panel meeting; there will be only one Panel meeting per year that will occur in the summer.

III. Agenda

The agenda for the August 22 through August 23, 2016 Panel meeting will provide for discussion and comment on the following topics as designated in the Panel's Charter:

- Addressing whether procedures within an APC group are similar both clinically and in terms of resource use.
- Evaluating APC group structure.
- Reviewing the packaging of OPPS services and costs, including the methodology and the impact on APC groups and payment.
- Removing procedures from the inpatient-only list for payment under the OPPS.
- Using single and multiple procedure claims data for CMS' determination of APC group weights.
- Addressing other technical issues concerning APC group structure.
- Recommending the appropriate supervision level (general, direct, or personal) for individual hospital outpatient therapeutic services.

The Agenda will be posted on the CMS Web site at *http://cms.hhs.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonAmbulatoryPaymentClassificationGroups.html* approximately 1 week before the meeting.

IV. Presentations

The subject matter of any presentation and/or comment matter must be within the scope of the Panel designated in the Charter. Any presentations or comments outside of the scope of this Panel will be returned or requested for amendment. Unrelated topics include, but are not limited to, the conversion factor, charge compression, revisions to the cost report, pass-through payments, correct coding, new technology applications (including supporting information/documentation), provider payment adjustments, supervision of hospital outpatient diagnostic services and the types of practitioners that are permitted to supervise hospital outpatient services. The Panel may not recommend that services be designated as nonsurgical extended duration therapeutic services.

The Panel may use data collected or developed by entities and organizations other than DHHS and CMS in conducting its review. We recommend organizations submit data for CMS staff and the Panel's review.

All presentations are limited to 5 minutes, regardless of the number of individuals or organizations represented by a single presentation. Presenters may use their 5 minutes to represent either one or more agenda items.

Section 508 Compliance

For this meeting, we are aiming to have all presentations and comments available on the CMS Web site. Materials on the CMS Web site must be Section 508 compliant to ensure access to federal employees and members of the public with and without disabilities. We encourage presenters and commenters to refer to guidance on making documents Section 508 compliant as they draft their submissions, and, whenever possible, to submit their presentations and comments in a 508 compliant form. Such guidance is available at *http://www.cms.gov/Research-Statistics-Data-and-Systems/CMS-Information-Technology/Section508/508-Compliant-doc.html.* CMS will review presentations and comments for 508 compliance, and place compliant materials on its Web site. As resources permit, CMS will also convert non-compliant submissions to 508 compliant forms, and offer assistance to submitters who wish to make their submissions 508 compliant. All non-508 compliant presentations and comments will be shared with the public onsite and through the webcast and made available to the public upon request.

Those wishing to access such materials should contact the DFO (the DFO's address, email and phone number are provided below).

In order to consider presentations and/or comments, we will need to receive the following:

1. An *email copy* of the presentation or comments sent to the DFO mailbox, *APCPanel@cms.hhs.gov* or, if unable to submit by email, a hard copy sent to the DFO at the address noted under **FOR FURTHER INFORMATION CONTACT**.

2. Form *CMS–20017* with complete contact information that includes name, address, phone number, and email addresses for all presenters and commenters and a contact person that can answer any questions and or provide revisions that are requested for the presentation. Presenters and commenters must clearly explain the actions that they are requesting CMS to take in the appropriate section of the form. A presenter's/commenter's relationship with the organization that they represent must also be clearly listed.

- The form is now available through the CMS Forms Web site. The Uniform Resource Locator (URL) for linking to this form is as follows: *http://www.cms.hhs.gov/cmsforms/downloads/cms20017.pdf.*
- We encourage presenters to make efforts to ensure that their presentations and comments are 508 compliant.

V. Oral Comments

In addition to formal oral presentations, which are limited to 5 minutes total per presentation, there will be an opportunity during the meeting for public oral comments, which will be limited to 1 minute for each individual and a total of 3 minutes per organization.

VI. Meeting Attendance

The meeting is open to the public; however, attendance is limited to space available. Priority will be given to those who pre-register and attendance may be limited based on the number of registrants and the space available.

Persons wishing to attend this meeting, which is located on Federal property, must register by following the instructions in the "Meeting Registration Timeframe" section of this notice. A confirmation email will be sent to the registrants shortly after completing the registration process.

VII. Security, Building, and Parking Guidelines

The following are the security, building, and parking guidelines:

- Persons attending the meeting, including presenters, must be pre-registered and on the attendance list by the prescribed date.
- Individuals who are not pre-registered in advance may not be permitted to enter the building and may be unable to attend the meeting.
- Attendees must present a government-issued photo identification to the Federal Protective Service or Guard Service personnel before entering the building. Without a current, valid photo ID, persons may not be permitted entry to the building.
- Security measures include inspection of vehicles, inside and out, at the entrance to the grounds.
- All persons entering the building must pass through a metal detector.
- All items brought into CMS including personal items, for example, laptops and cell phones are subject to physical inspection.
- The public may enter the building 30 to 45 minutes before the meeting convenes each day.
- All visitors must be escorted in areas other than the lower and first-floor levels in the Central Building.
- The main-entrance guards will issue parking permits and instructions upon arrival at the building.
- Foreign nationals visiting any CMS facility require prior approval. If you are a foreign national and wish to attend the meeting onsite, in addition to registering for the meeting, you must also send a separate email to *APCPanel@cms.hhs.gov* prior to the close of registration to request authorization to attend as a foreign national.

VIII. Special Accommodations

Individuals requiring special accommodations must include the request for these services during registration.

IX. Panel Recommendations and Discussions

The Panel's recommendations at any Panel meeting generally are not final until they have been reviewed and approved by the Panel on the last day of the meeting, before the final adjournment. These recommendations will be posted to the CMS Web site after the meeting.

X. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: April 28, 2016.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2016–11949 Filed 5–19–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Advisory Committees; Filing of Closed Meeting Reports

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that, as required by the Federal Advisory Committee Act, the Agency has filed with the Library of Congress the annual reports of those FDA advisory committees that held closed meetings during fiscal year 2015.

ADDRESSES: Copies are available at the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500. You also may access the docket at *http://www.regulations.gov* for the annual reports of those FDA advisory committees that held closed meetings during fiscal year 2015. Insert the docket number found in brackets in the heading of this document at *http://www.regulations.gov* into the "Search" box, clear filter under Document Type (left side of screen), and check "Supporting and Related Material," then Sort By Best Match (from the drop-down menu; top right side of screen), "ID Number (Z–A)" or Sort By Best Match (from the drop-down menu) "Title (A–Z)," also found in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Michael Ortwerth, Director and Committee Management Officer, Advisory Committee and Oversight Management Staff, Food and Drug Administration, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, 301–796–8220.

SUPPLEMENTARY INFORMATION: Under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. app.) and 21 CFR 14.60(d), FDA has filed with the Library of Congress the annual reports for the following FDA advisory committees that held closed meetings during the period October 1, 2014 through September 30, 2015:

Center for Biologics Evaluation and Research
  Blood Products Advisory Committee
National Center for Toxicological Research
  Science Board to the National Center for Toxicological Research
Center for Drug Evaluation and Research
  Bone, Reproductive Health Drugs Advisory Committee
  Joint Meetings of the Anesthetic and Analgesic Drugs Advisory Committee and the Drug Safety and Risk Management Advisory Committee

Annual Reports are available for public inspections between 9 a.m. and 4 p.m., Monday through Friday.

1. The Library of Congress, Madison Bldg., Newspaper and Current Periodical Reading Room, 101 Independence Ave. SE., Rm. 133, Washington, DC; and
2. The Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: May 16, 2016.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2016–11853 Filed 5–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2015–M–4948, FDA–2015–M–4949, FDA–2015–M–4950, FDA–2016–M–0120, FDA–2016–M–0121, FDA–2016–M–0122, FDA–2016–M–0123, FDA–2016–M–0803, FDA–2016–M–0804, FDA–2016–M–0805, FDA–2016–M–0806, FDA–2016–M–0807, FDA–2016–M–0926, FDA–2016–M–0928]

Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMAs) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMAs through the Internet and the Agency's Division of Dockets Management.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket Nos. FDA–2015–M–4948, FDA–2015–M–4949, FDA–2015–M–4950, FDA–2016–M–0120, FDA–2016–M–0121, FDA–2016–M–0122, FDA–2016–M–0123, FDA–2016–M–0803, FDA–2016–M–0804, FDA–2016–M–0805, FDA–2016–M–0806, FDA–2016–M–0807, FDA–2016–M–0926, FDA–2016–M–0928 for "Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire

Ave., Bldg. 66, Rm. 1650, Silver Spring, MD 20993–0002, 301–796–6524.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with sections 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the FD&C Act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The regulations provide that FDA publish a quarterly list of available safety and effectiveness summaries of PMA approvals and denials that were announced during that quarter. The following is a list of approved PMAs for which summaries of safety and effectiveness were placed on the Internet from January 1, 2016, through March 31, 2016. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMAS MADE AVAILABLE FROM JANUARY 1, 2016, THROUGH MARCH 31, 2016

PMA No., Docket No.	Applicant	Trade name	Approval date
H130006, FDA–2015–M–4950	Torax Medical, Inc	FENIX Continence Restoration System	12/18/2015
H140005, FDA–2015–M–4948	ARUP Laboratories	PDGFRB FISH for Gleevec Eligibility in Myelodysplastic Syndrome/Myeloproliferative Disease (MDS/MPD).	12/18/2015
H140006, FDA–2015–M–4949	ARUP Laboratories	KIT D816V Mutation Detection by PCR for Gleevec Eligibility in Aggressive Systemic Mastocytosis (ASM).	12/18/2015
P130007/S004, FDA–2016–M–0120.	Animas Corp	Animas Vibe System	12/24/2015
P900033/S042, FDA–2016–M–0121.	Integra LifeSciences Corp	Integra Omnigraft Dermal Regeneration Matrix and Integra Dermal Regeneration Template.	1/7/2016
P080028, FDA–2016–M–0122	Storz Medical Ag	Storz Medical Duolith SD1 Shock Wave Therapy	1/8/2016
P150011, FDA–2016–M–0123	LivaNova Canada Corp	Perceval Sutureless Heart Valve	1/8/2016
P150027, FDA–2016–M–0803	Dako North America, Inc	PD–L1 IHC 28–8 pharmDx	1/23/2016
P150004, FDA–2016–M–0804	Spinal Modulation, Inc	Axium Neurostimulator System	2/11/2016
P150022, FDA–2016–M–0805	Rex Medical, L.P	Closer Vascular Sealing System	2/12/2016
P120018, FDA–2016–M–0806	Sharps Terminator, LLC	Sharps Terminator	2/17/2016
P150005, FDA–2016–M–0807	Boston Scientific Corp	Blazer Open-Irrigated Ablation Catheter System	2/24/2016
P130009/S037, FDA–2016–M–0926.	Edwards Lifesciences, LLC	SAPIEN XT Transcatheter Heart Valve and Accessories	2/29/2016
P020004/S123, FDA–2016–M–0928.	W.L. Gore & Associates, Inc	GORE EXCLUDER Iliac Branch Endoprosthesis	2/29/2016

II. Electronic Access

Persons with access to the Internet may obtain the documents at *http://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/DeviceApprovalsandClearances/PMAApprovals/default.htm.*

Dated: May 16, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–11856 Filed 5–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0133]

Chronic Obstructive Pulmonary Disease: Developing Drugs for Treatment; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled "Chronic Obstructive Pulmonary Disease: Developing Drugs for Treatment." This guidance is intended to assist sponsors in designing a clinical development program for new drug products for the treatment of chronic obstructive pulmonary disease (COPD). This guidance revises the draft guidance of the same name, issued November 9, 2007, by adding information regarding the St. George's Respiratory Questionnaire (SGRQ).

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by July 19, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2007–D–0133 for "Chronic Obstructive Pulmonary Disease: Developing Drugs for Treatment; Draft Guidance for Industry; Availability." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Badrul A. Chowdhury, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 3326, Silver Spring, MD 20993–0002, 301–796–2300.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled "Chronic Obstructive Pulmonary Disease: Developing Drugs for Treatment." This guidance is intended to assist sponsors in designing a clinical development program for new drug products for the treatment of COPD. The emphasis of this guidance is on the assessment of efficacy of a new molecular entity (NME) in phase 3 clinical studies of COPD. Development of NMEs for COPD poses challenges and opportunities. Not all drugs developed for COPD will fit into the types described, and the efficacy endpoints discussed in this guidance may not fit the need for all drugs. FDA encourages sponsors to develop clinical programs that fit their particular needs and to discuss their planned approach with the Center for Drug Evaluation and Research's Division of Pulmonary, Allergy, and Rheumatology Products. For novel approaches, where warranted, outside expertise can be sought, including consultation with the Pulmonary-Allergy Drugs Advisory Committee.

This guidance revises the draft guidance of the same name, issued November 9, 2007 (72 FR 63618), by adding information on the use of SGRQ in COPD studies. FDA acknowledges the importance of assessing patient perspectives in clinical trials and therefore is interested in eliciting comment on the SGRQ, included in Appendix A.

Also, this guidance outlines FDA's thinking based on information that was available in 2007 on the development of various types of drugs for COPD. FDA acknowledges that the landscape of clinical trials has evolved since 2007 and therefore is encouraging public comment on the body of the guidance in addition to public comment on the SGRQ information added in Appendix A.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on the development of drug products for the treatment of COPD. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: May 13, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–11855 Filed 5–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Blood Products Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. At least one portion of the meeting will be closed to the public.

DATES: The meeting will be held on June 20, 2016, from 9:30 a.m. to 1 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD, 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.* For those unable to attend in person, the meeting will also be Webcast and will be available at the following link: *https://collaboration.fda.gov/bpac2016/.*

FOR FURTHER INFORMATION CONTACT: Bryan Emery or Joanne Lipkind, Division of Scientific Advisors and Consultants, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6132, Silver Spring, MD 20993–0002, 240–402–8054, *bryan.emery@fda.hhs.gov,* and 240–402–8106, *joanne.lipkind@fda.hhs.gov,* respectively; or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On June 20, 2016, the Committee members will participate in the meeting via teleconference. In open session, the Committee will discuss the research programs in the Laboratory of Plasma Derivatives in the Division of Hematology Research and Review, Office of Blood Research and Review, Center for Biologics Evaluation and Research, FDA.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On June 20, 2016, from 9:30 a.m. to 12:20 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before June 6, 2016. Oral presentations from the public will be scheduled between approximately 11:20 a.m. to 12:20 p.m. on June 20, 2016. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before June 3, 2016. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by June 6, 2016.

Closed Committee Deliberations: On June 20, 2016, from 12:20 p.m. to 1 p.m., the meeting will be closed to the public to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The Committee will discuss the site visit report of the intramural research programs and make recommendations regarding personnel staffing decisions.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Bryan Emery at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 16, 2016.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2016–11854 Filed 5–19–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than June 20, 2016.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: 340B Drug Pricing Program Reporting Requirements OMB No. 0915–0176—[Revision]

Abstract: Section 602 of Public Law 102–585, the Veterans Health Care Act of 1992, enacted section 340B of the Public Health Service Act (PHS Act) "Limitation on Prices of Drugs Purchased by Covered Entities." Section 340B provides that a manufacturer who participates in Medicaid must sign a Pharmaceutical Pricing Agreement with the Secretary of Health and Human Services in which the manufacturer agrees to charge enrolled covered entities a price for covered outpatient drugs that will not exceed an amount determined under a statutory formula. Covered entities who choose to participate in the section 340B Drug Pricing Program must comply with the requirements of 340B(a)(5) of the PHS Act. Section 340B(a)(5)(A) prohibits a covered entity from requesting Medicaid reimbursement from a drug that has been discounted under the 340B Program. Further, section 340B(a)(5)(B) prohibits a covered entity from reselling or otherwise transferring a discounted drug to a person who is not a patient of the entity.

Section 340B(a)(5)(C) of the PHS Act permits the Secretary and manufacturers of a covered outpatient drug to conduct audits of covered entities in accordance with procedures established by the Secretary related to the number, duration, and scope of the audits. Manufacturers are permitted to conduct an audit only when there is reasonable cause to believe a violation of section 340B(a)(5)(A) or (B) has occurred. The manufacturer notifies the covered entity in writing when it believes the covered entity has violated these provisions of the 340B Program. If the problem cannot be resolved, the manufacturer will then submit an audit work plan describing the audit and evidence in support of the reasonable cause standard to HRSA, Healthcare Systems Bureau, Office of Pharmacy Affairs (OPA) for review. OPA will review the documentation to determine if reasonable cause exists. Once the audit is complete, the manufacturer will submit copies of the audit report to OPA for review and resolution of the findings, as appropriate. The manufacturer will also submit an informational copy of the audit report to the Health and Human Services (HHS) Office of Inspector General (OIG).

In response to the statutory mandate of section 340B(a)(5)(C) to permit the Secretary or manufacturers to conduct audits of covered entities and because of the potential for disputes involving covered entities and participating drug manufacturers, OPA developed an informal voluntary dispute resolution process for manufacturers and covered entities who, prior to filing a request for resolution of a dispute with OPA, should attempt in good faith to resolve the dispute. All parties involved in the dispute should maintain written documentation as evidence of a good faith attempt to resolve the dispute. To request voluntary dispute resolution of an unresolved dispute, a party submits a written request for a review of the dispute to OPA. A committee appointed to review the documentation will send a letter to the party alleged to have committed a violation. The party will be asked to provide a response to or a rebuttal of the allegations.

HRSA published a notice in 1996 and a policy release in 2011 on manufacturer audit guidelines and the informal dispute resolution process (61 FR 65406 (December 12, 1996) and "Clarification of Manufacturer Audits of 340B Covered Entities," Release No. 2011–3).

The revision to this package includes additional background information on the dispute resolution process and clarifies the need and proposed use of information regarding the manufacturer audit guidelines and the informal dispute resolution process.

HHS has reviewed all comments submitted in response to the publication of a 60-day **Federal Register** notice requesting comments on this ICR. Comments submitted included requests for standardized reporting forms. Commenters also expressed concern that burden hours were significantly understated. HHS agrees that the burdens associated with this ICR may have been understated. Adjusted burden estimates are included in this 30-day notice. Finally, HHS appreciates the comments received regarding the development of a formal dispute resolution process. HHS is in the process of developing a regulation to establish and implement a binding administrative dispute resolution process pursuant to section 340(d)(3) of the PHS Act. Some of the comments received regarding the audit process are beyond the scope of this notice, and as such, HHS will not be addressing them in this notice.

Need and Proposed Use of the Information: HRSA is proposing the collection of information related to the manufacturer audit guidelines. These guidelines contain the following reporting/notification elements:

1. Manufacturers should notify the entity in writing when it believes a violation has occurred;
2. manufacturers should submit documentation to OPA as evidence of good faith of attempts to resolve a dispute;
3. manufacturers must submit an audit work plan to OPA;
4. manufacturers should submit the audit report to OPA and informational copies to the HHS OIG; and
5. the covered entity should provide a written response to the audit report.

This information is necessary to ensure the orderly conduct of manufacturer audits. In addition, the informal dispute resolution process requires the participating manufacturer or covered entity requesting dispute resolution to provide OPA with a written request. The party alleged to have committed a section 340B violation may provide a response or rebuttal to OPA. This information is necessary to ensure that the dispute will be resolved in a fair and equitable manner.

Likely Respondents: Drug manufacturers and 340B covered entities.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Audits					
Good faith Resolution [1]	10	1	10	60	600
Audit Notification to Entity [1]	10	1	10	6	60

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Audit Workplan[1]	40	1	18	12	216
Audit Report[1]	8	1	8	12	96
Entity Response	8	1	8	12	96
Dispute Resolution					
Dispute Request	10	4	40	15	600
Rebuttal	10	1	10	28	280
Total	96		104		1948

[1] Prepared by the manufacturer.

Recordkeeping Burden:

Recordkeeping requirement	Number of recordkeepers	Hours of recordkeeping	Total burden
Dispute Records	50	1	50

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2016–11869 Filed 5–19–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Maternal and Child Health Collaborative Office Rounds

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of a class deviation from competition requirements for Maternal and Child Health Collaborative Office Rounds.

SUMMARY: HRSA announces the award of an extension in the amount of $150,000 for the Maternal and Child Health Collaborative Office Rounds (MCH–COR) grants. The purpose of the program is to foster joint pediatrics-child psychiatry continuing education in the psychosocial development aspects of child health, utilizing a study group approach that emphasizes the practical challenges confronted by community based practitioners. The extension will permit recipients to continue activities within the scope of the current award while the program is evaluated, during the budget period of 7/1/2016–6/30/2017.

FOR FURTHER INFORMATION CONTACT: Rita Maldonado, Division of Maternal Child Health Workforce Development, Maternal and Child Health Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 18W13A, Rockville, MD 20852, Phone: 301.443.3622, Email: *RMaldonado@hrsa.gov.*

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Children's Research Institute, Johns Hopkins University, New York School of Medicine, Regents of the University of Minnesota, The Regents of the University of California, San Francisco. The Regents of the University of Michigan, Trustees of Dartmouth College, University of Illinois, Yale University.

Amount of Each Non-Competitive Awards: $15,000.

Period of Supplemental Funding: 7/1/2016–6/30/2017.

CFDA Number: 93.110

Authority: Social Security Act, Title V, Section 502(a)(1)

Justification: MCHB is requesting a one-time extension to continue activities while the program is evaluated to determine future activities using the COR model. MCHB will evaluate the basic structure of the COR model, identify gaps, and propose possible enhancements to the model.

Grant recipient/organization name	Grant No.	State	Current project start date	Current project end date	Revised project end date	FY 2015 authorized funding level	FY 2016 estimated funding level
CHILDREN'S RESEARCH INSTITUTE.	T20MC21950	DC	7/1/2011	6/30/2016	6/30/2017	$15,000	$15,000
Children's Research Institute	T20MC07472	OH	7/1/2011	6/30/2016	6/30/2017	15,000	15,000
JOHNS HOPKINS UNIVERSITY	T20MC07464	MD	7/1/2011	6/30/2016	6/30/2017	15,000	15,000
NEW YORK UNIVERSITY SCHOOL OF MEDICINE.	T20MC21951	NY	7/1/2011	6/30/2016	6/30/2017	14,999	14,999
Regents of the University of Minnesota.	T20MC07469	MN	7/1/2011	6/30/2016	6/30/2017	15,000	15,000
The Regents of the University of California, San Francisco.	T20MC21952	CA	7/1/2011	6/30/2016	6/30/2017	15,000	15,000
THE REGENTS OF THE UNIVERSITY OF MICHIGAN.	T20MC07463	MI	7/1/2011	6/30/2016	6/30/2017	15,000	15,000
TRUSTEES OF DARTMOUTH COLLEGE.	T20MC07473	NH	7/1/2011	6/30/2016	6/30/2017	15,000	15,000
UNIVERSITY OF ILLINOIS	T20MC25634	IL	7/1/2011	6/30/2016	6/30/2017	14,859	14,859

Grant recipient/organization name	Grant No.	State	Current project start date	Current project end date	Revised project end date	FY 2015 authorized funding level	FY 2016 estimated funding level
YALE UNIVERSITY	T20MC21953	CT	7/1/2011	6/30/2016	6/30/2017	15,000	15,000

Dated: May 13, 2016.

James Macrae,

Acting Administrator.

[FR Doc. 2016–11950 Filed 5–19–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel.

Date: June 23, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6710 B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 16, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–11902 Filed 5–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Research for Children—SBIR Topic 86.

Date: June 8, 2016.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Stephanie J. Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–435–0291, *stephanie.webb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 16, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–11900 Filed 5–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Blueprint Contract Review.

Date: June 14, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Joel A. Saydoff, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223, *joel.saydoff@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; R25's.

Date: June 20, 2016.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jo A. McConnell, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, *jo.cmcconnell@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Centers Without Walls for Collaborative Research in Epilepsies SEP.

Date: June 28–29, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: Elizabeth A. Webber, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–496–1917, *webbere@mail.nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NINDS Diversity R25 Review.

Date: June 30, 2016.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Ernest W. Lyons, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–496–4056, *lyonse@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: May 16, 2016.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–11903 Filed 5–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Rapid Assessment of Zika Virus (ZIKV) Complications (R21).

Date: June 14, 2016.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 4H100, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Jay R. Radke, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G11B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC–9823, Bethesda, MD 20892–9823, (240) 669–5046, *jay.radke@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 16, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–11901 Filed 5–19–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Certain Intermodal Containers

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection ("CBP") has issued a final determination concerning the country of origin of a twenty foot long intermodal container. Based upon the facts presented, CBP has concluded that the country of origin of the intermodal container is the Republic of Korea for purposes of U.S. Government procurement.

DATES: The final determination was issued on May 13, 2016. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within June 20, 2016.

FOR FURTHER INFORMATION CONTACT: Teresa M. Frazier, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202) 325–0139.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain intermodal containers, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H273529, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the processing in Korea results in a substantial transformation. Therefore, the country of origin of the intermodal container is Korea for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: May 13, 2016.

Myles B. Harmon,

Acting Executive Director, Regulations and Rulings, Office of Trade.

H273529

May 13, 2016

OT:RR:CTF:VS H273529 TMF

CATEGORY: Country of Origin

Michael G. McManus, Duane Morris LLP, 505 9th Street NW., Suite 1000, Washington, DC 20004–2166

Re: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); Substantial Transformation; Twenty Foot Intermodal Shipping Containers

Dear Mr. McManus: This is in response to your correspondence of February 12, 2016, requesting a final determination on behalf of your client, Sea Box, Inc. ("Sea Box"), pursuant to subpart B of part 177, U.S. Customs and Border Protection (CBP) Regulations (19 CFR 177.21 *et seq.*). Under pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is, or would be, a product of a designated country or instrumentality for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns a twenty foot long Sea Box shipping container that is claimed to be a product of the Republic of South Korea or the United States. We note that Sea Box, Inc. is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this determination.

FACTS:

Your client requests a country of origin determination concerning a twenty foot long intermodal container. You state that the twenty foot shipping container is a 20 foot, International Organization for Standardization (ISO) compliant container possessing the following external measurements: 19′ 10.5″ in length with a tolerance of +0, −1/4 of an inch; 8.0′ in width with a tolerance of +0, −3/16 of an inch; 8.0′ in height with a tolerance of +0, −3/16 of an inch. The internal dimensions are: 19′4 11/64″ (L); 7′8 17/32″ (W); 7′4 3/16″(H). The 20 foot container is comprised of corrugated steel sides and roofing which give it a favorable strength to weight ratio; two sets of forklift "pockets" that permit forklifts to lift and move laden or unladen containers; wooden flooring tested to withstand 16,000 lbs. per square foot (144 square inches); 24 top and bottom wall tie down steel lashing rings each having a capacity of 4,000 lbs.; and two vents. The twenty foot containers weigh 5,000 lbs. each and can accommodate a payload of 47,910 lbs.

You state that your client intends to assemble the containers from parts originating in South Korea, the People's Republic of China (PRC) and the United States. You state three of the four principal components (the right and left sidewalls and the roof) of the twenty foot container will be made in Korea. You state that the container floor is made in China as well as the two container ends, which includes the doors. The U.S. components are prime and finish coatings, decals, tie backs/welding wire, aluminum shot blast media and sealant.

Manufacturing Process

You describe Sea Box's manufacturing of the container to be a complex industrial process which takes more than day to complete. You list fourteen manufacturing steps that require the manipulation of large components to form a structurally sound container to its precise size in accordance with ISO specifications.

You state that the container must be capable of being stacked up to nine units high, with the base of a stack strong enough to support 423,280 static lbs. above it (8 containers × 58,800 lbs. per container). In addition, the container must be able to support a dynamic load taking into account a vessel's motion in conformity with the American Bureau of Shipping (ABS). You also advise that the containers must be International Container Safety Convention (CSC) certified and manufactured according to ISO standards.

You state in order to be CSC certified in the United States, the manufacturer's facility must be pre-approved for manufacturing CSC-certified containers by a testing and certification organization sanctioned by the U.S. Coast Guard. You also state that the manufacturer must design and build prototype containers of the specific kind and type proposed in the specific facility to be certified and then submit them for testing by the approved organization. You note that only after successful completion of these prerequisites will a company be authorized to manufacture and furnish containers to be included in the internationally accepted ISO system of transportation.

ISSUE:

Whether the twenty foot intermodal container is considered to be a product of the United States or Korea for U.S. Government procurement purposes.

LAW AND ANALYSIS:

Pursuant to Subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country-of-origin advisory rulings and final determinations as to whether an article is a product of a designated country for the purpose of granting waivers of certain "Buy American" restrictions on U.S. Government procurement.

In rendering final determinations for purposes of U.S. Government procurement, CBP applies the provisions of Subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the Trade Agreements Act. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define "U.S.-made end product" as "an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with name, character, or use distinct from that of the article or articles from which it was transformed." *See* 48 CFR 25.003.

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. *See also* 19 CFR 177.22(a).

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. Substantial transformation occurs when an article emerges from a process with a new name, character or use different from that possessed by the article prior to processing. A substantial transformation will not result from a minor manufacturing or combining process that leaves the identity of the article intact. *See United States* v. *Gibson-Thomsen Co.*, 27 C.C.P.A. 267 (1940). In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *See Belcrest Linens* v. *United States*, 6 Ct. Int'l Trade 204, 573 F. Supp. 1149 (1983), *aff'd,* 741 F.2d 1368 (Fed. Cir. 1984). Additionally, factors such as the resources expended on product design and development, the extent and nature of post-assembly inspection and testing procedures, and worker skill required during the actual manufacturing process will be considered when determining whether a substantial transformation has occurred. No one factor is determinative.

In *Uniroyal, Inc.* v. *United States,* the Court of International Trade held that no substantial transformation occurred because the attachment of a footwear upper from Indonesia to its outsole in the United States was a minor manufacturing or combining process which left the identity of the upper intact. *Uniroyal, Inc.* v. *United States,* 3 CIT 220, 224, 542 F. Supp. 1026, 1029 (1982), aff'd, 702 F.2d 1022 (Fed. Cir. 1983). The court found that the upper was readily recognizable as a distinct item apart from the outsole to which it was attached, it did not lose its identity in the manufacture of the finished shoe in the United States, and the upper did not undergo a physical change or a change in use. Also, under *Uniroyal,* the change in name from "upper" to "shoe" was not significant. The court concluded that the upper was the essence of the completed shoe, and was not substantially transformed.

In *National Hand Tool Corp.* v. *United States,* 16 CIT 308 (1992), aff'd, 989 F.2d 1201 (Fed. Cir. 1993), the court considered sockets and flex handles which were either cold formed or hot forged into their final shape prior to importation, speeder handles which were reshaped by a power press after importation, and the grip of flex handles which were knurled in the United States. The imported articles were heat treated, cleaned by sandblasting, tumbling, and/or chemical vibration before being electroplated. In certain instances, various components were assembled together which the court stated required some skill and dexterity. The court determined that the imported articles were not substantially transformed and that they remained products of Taiwan. In making its determination, the court focused on the fact that the components had been cold formed or hot forged "into their final shape before importation", and that "the form of the components remained the same" after the assembly and heat treatment processes performed in the United States.

It is your position that the country of origin of the intermodal containers is South Korea because three of the container's components (the roof and two side panels), like *National Hand Tool and Uniroyal,* impart the container's essential character because they are already formed in the final shape prior to importation into the United States. You also state that the three Korean components—the roof and side panels predominate in value since they cost more than the Chinese components (front end, door end and floor). In sum, you argue that the country of origin is South Korea, or in the alternative, the United States.

In HQ 555111, dated March 14, 1989, CBP determined that shearing steel sheets to size, along with bending, notching or drilling of the sheared pieces constituted a substantial transformation, such that the container parts were different in character and use from the originally imported steel sheets. It was also determined that the container parts were distinct articles of commerce that were bought and sold in the trade. CBP also found a second substantial transformation occurred when the container parts were assembled into finished steel storage containers. It was also determined that the container parts were distinct articles of commerce that were bought and sold in the trade. CBP found that the assembly was complex, involving a large number of components and a significant number of different operations, requiring a relatively significant period of time as well as skill, attention to detail and quality control.

In HQ 557607, dated December 18, 1993, CBP determined that steel plates imported into Mexico and used in the production of certain railway freight cars (referred therein as "railcar tanks") underwent a double substantial transformation. The steel plates were sandblasted to remove any foreign debris and particles; cut to same length and width in varying sizes; rolled and cold-formed into cylindrical or near-cylindrical shape; tack-welded to hold their shape with seams, then permanently welded using a design-specific welding fixture. Thereafter, the rings were permanently welded in place; and holes were cut into the tank shell in accordance with design specifications for the placement of miscellaneous parts that were also permanently welded. The seams were then subject to X-ray analysis to ensure against any defects, followed by painting with rust-resistant paint primer. CBP determined that the welding and complex assembling of the steel container parts resulted in a new, finished and different article of commerce possessing a distinct name, character and use.

We find that the essential character of the container is imparted by the Korean-origin roof, and two side panels, which, as in *National Hand Tool,* are already formed in their final shapes prior to importation. Further, the twenty foot containers are similar to the final goods discussed in HQ 555111 and HQ 567607. While these two decisions pertained to the Generalized System of Preferences (GSP), and the GSP often considers whether the second substantial transformation is not just a "pass-through" operation, we note that in those two decisions it was important that the components were formed and created in the final country of assembly. Similarly, in this case we find that the Sea Box container will mostly be comprised of components from Korea, especially when comparing these components to the container's finished surface area, such that the origin of the finished container may be considered Korea. As noted in our ruling to you, HQ H267876, dated December 23, 2015, the operations in the United States are not sufficient to result in a substantial transformation; therefore, we find that the country of origin of the finished twenty foot intermodal containers will be Korea for government procurement purposes.

HOLDING:

Based upon the specific facts of this case, we find that the country of origin of the intermodal containers for purposes of U.S. Government procurement is Korea.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Myles B. Harmon,

Acting Executive Director, Regulations and Rulings, Office of Trade.

[FR Doc. 2016–11947 Filed 5–19–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will meet via conference call on June 6 and 7, 2016. The meeting will be open to the public.

DATES: The TMAC will meet via conference call on Monday, June 6, 2016 from 10:00 a.m. to 5:00 p.m. Eastern Daylight Time (EDT), and on Tuesday, June 7, 2016 from 10:00 a.m. to 5:00 p.m. EDT. Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: For information on how to access to the conference call, information on services for individuals with disabilities, or to request special assistance for the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible. Members of the public who wish to dial in for the meeting must register in advance by sending an email to *FEMA–TMAC@fema.dhs.gov* (attention Kathleen Boyer) by 11 a.m. EDT on Wednesday, June 1, 2016.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the **SUPPLEMENTARY INFORMATION** section below. The Agenda and other associated material will be available for review at *www.fema.gov/TMAC* by Monday, May 30, 2016. Written comments to be considered by the committee at the time of the meeting must be received by Thursday, June 2, 2016, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Address the email TO: *FEMA–RULES@fema.dhs.gov* and CC: *FEMA–TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact detail in the body of the email.
- *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the words "Federal Emergency Management Agency" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. *Docket:* For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on June 6, 2016, from 11:00–11:20 a.m. and June 7, 2016 from 11:00–11:20 a.m. EDT. Speakers are requested to limit their comments to no more than two minutes. Each public comment period will not exceed 20 minutes. Please note that the public comment periods may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Thursday, June 2, 2016.

FOR FURTHER INFORMATION CONTACT: Kathleen Boyer, Designated Federal Officer for the TMAC, FEMA, 1800 South Bell Street Arlington, VA 22202, telephone (202) 646–4023, and email *kathleen.boyer@fema.dhs.gov.* The TMAC Web site is: *http://www.fema.gov/TMAC.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

As required by the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5)(a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an Annual Report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Further, in accordance with the *Homeowner Flood Insurance Affordability Act of 2014,* the TMAC must develop a review report related to flood mapping in support of the National Flood Insurance Program (NFIP).

Agenda: On June 6 and 7, 2016, the TMAC will debate and vote on the final content of the 2016 FEMA flood mapping program review report (Review Report). The Review Report evaluates the FEMA National Flood Mapping Program as required by the Homeowner Flood Insurance Affordability Act. In addition, the TMAC will continue to discuss draft recommendations for the required 2016 TMAC Annual Report. A public comment period will take place at the beginning of the meeting at 11:00 a.m. EDT each day, and another brief public comment period will also be offered prior to any Council vote. A more detailed agenda will be posted by May 30, 2016, at *http://www.fema.gov/TMAC.*

Dated: May 16, 2016.

Roy E. Wright,

Deputy Associate Administrator, for Insurance and Mitigation, Federal Emergency Management Agency.

[FR Doc. 2016–11960 Filed 5–19–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0095]

Agency Information Collection Activities: Notice of Appeal or Motion, Form I–290B; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until July 19, 2016.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0095 in the subject box, the agency name and Docket ID USCIS–2008–0027. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0027;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0027 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection; Extension, Without Change, of a Currently Approved Collection; Reinstatement.

(2) *Title of the Form/Collection:* Notice of Appeal or Motion.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–290B; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households, employers, private entities and organizations, businesses, non-profit institutions/organizations, and attorneys. Form I–290B is necessary in order for USCIS to make a determination that the appeal or motion to reopen or reconsider meets the eligibility requirements, and for USCIS to adjudicate the merits of the appeal or motion to reopen or reconsider.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–290B is 22,062 and the estimated hour burden per response is 1.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 33,093 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,785,573.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–11883 Filed 5–19–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0124]

Agency Information Collection Activities: Consideration of Deferred Action for Childhood Arrivals, Form I–821D; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on March 3, 2016, at 81 FR 11289, allowing for a 60-day public comment period. USCIS received comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 20, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806 (This is not a toll-free number). All submissions received must include the agency name and the OMB Control Number 1615–0124.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2012 -0012 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Consideration of Deferred Action for Childhood Arrivals.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–821D; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. The information collected on this form is used by USCIS to determine eligibility of certain individuals who were brought to the United States as children and meet the following guidelines to be considered for deferred action for childhood arrivals:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday, and established residence at that time;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or their lawful

immigration status expired as of June 15, 2012;

6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and

7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

These individuals will be considered for relief from removal from the United States or from being placed into removal proceedings as part of the deferred action for childhood arrivals process. Those who submit requests with USCIS and demonstrate that they meet the threshold guidelines may have removal action in their case deferred for a period of two years, subject to renewal (if not terminated), based on an individualized, case by case assessment of the individual's equities. Only those individuals who can demonstrate, through verifiable documentation, that they meet the threshold guidelines will be considered for deferred action for childhood arrivals, except in exceptional circumstances.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 58,314 respondents responding for initial request at 3 hours per response and 200,306 respondents responding for renewal request at 3 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 775,860 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $44,353,330.

Dated: May 13, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–11882 Filed 5–19–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0092]

Agency Information Collection Activities: E-Verify Program; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on June 8, 2015 at 80 FR 32408, allowing for a 60-day public comment period. USCIS received comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 20, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806 (This is not a toll-free number). All submissions received must include the agency name and the OMB Control Number 1615–0092.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0023 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* E-Verify Program.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for profit. E-Verify allows employers to electronically verify the employment eligibility status of newly hired employees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

- 65,000 respondents averaging 2.26 hours (2 hours 16 minutes) per response (enrollment time includes review and signing of the MOU, registration, new user training, and review of the user guides); plus

- 425,000, the number of already-enrolled respondents receiving training on new features and system updates averaging 1 hour per response; plus
- 425,000, the number of respondents submitting E-Verify cases averaging .129 hours (approximately 8 minutes) per case; plus
- 232,900, the number of respondents submitting reverification cases averaging .06 hours (approximately 4 minutes) per case.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,601,249 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There is no estimated annual cost burden associated with this collection of information.

Dated: May 13, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–11848 Filed 5–19–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5907–N–21]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: May 12, 2016.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

[FR Doc. 2016–11619 Filed 5–19–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2016–N084; FXES11130600000–167–FF06E00000]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct activities intended to enhance the survival of endangered species.

DATES: To ensure consideration, please send your written comments by June 20, 2016.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. Alternatively, you may use one of the following methods to request hard copies or a CD–ROM of the documents. Please specify the permit you are interested in by number (*e.g.,* Permit No. TE–XXXXXX).

- *Email: permitsR6ES@fws.gov.* Please refer to the respective permit number (*e.g.,* Permit No. TE–XXXXXX) in the subject line of the message.
- *U.S. Mail:* Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486–DFC, Denver, CO 80225.
- *In-Person Drop-off, Viewing, or Pickup:* Call (719) 628–2670 to make an appointment during regular business hours at 134 Union Blvd., Suite 645, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Recovery Permits Coordinator, Ecological Services, (719) 628–2670 (phone); *permitsR6ES@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. Along with our implementing regulations at 50 CFR 17, the Act provides for permits and requires that we invite public comment before issuing these permits for endangered species.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittees to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following applications. Documents and other information the applicants have submitted with their applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Application Number TE186566

Applicant: Western State Colorado University, Gunnison, CO.

The applicant requests a permit to conduct presence/absence surveys for Uncompahgre fritillary butterflies (*Boloria acrocnema*) in Colorado for the purpose of enhancing the species' survival.

Permit Application Number TE047252

Applicant: SWCA, Broomfield, CO.

The applicant requests a renewal for an existing permit to continue presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) in Colorado and Utah for the purpose of enhancing the species' survival.

Permit Application Number TE90023B

Applicant: EA Engineering Science and Technology, Inc., Lincoln, NE.

The applicant requests a permit to conduct presence/absence surveys for pallid sturgeon (*Scaphirhynchus albus*) in Nebraska for the purpose of enhancing the species' survival.

National Environmental Policy Act

The proposed activities in the requested permits qualify as categorical exclusions under the National Environmental Policy Act, as provided by Department of the Interior implementing regulations in part 46 of title 43 of the Code of Federal Regulations (43 CFR 46.205, 46.210, and 46.215).

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Michael G. Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2016–12000 Filed 5–19–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB00000.L17110000.PH0000.LXSSH 1060000.16XL1109AF; HAG 16–0136]

Notice of Public Meeting for the Steens Mountain Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Steens Mountain Advisory Council (SMAC) will meet as indicated below:

DATES: Monday, June 20, 2016 from 8 a.m. to 5 p.m. for an all-day field tour on the east side of Steens Mountain, and Tuesday, June 21, 2016 from 8:30 a.m. to 12 p.m., at the Frenchglen School, Frenchglen, Oregon. Daily sessions may end early if all business items are accomplished ahead of schedule, or go longer if discussions warrant more time.

FOR FURTHER INFORMATION CONTACT: Tara Thissell, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 573–4519, or email *tthissell@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The SMAC was initiated August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Pub. L. 106–399). The SMAC provides representative counsel and advice to the BLM regarding new and unique approaches to management of the land within the bounds of the Steens Mountain Cooperative Management and Protection Area, recommends cooperative programs and incentives for landscape management that meet human needs, and advises the BLM on maintenance and improvement of the ecological and economic integrity of the area. Agenda items for the June 20 and 21 sessions include: A field tour to Pike Creek, Frog Springs, and other sites on the east side of Steens Mountain; updates from the Designated Federal Official and the Andrews/Steens Resource Area Field Manager; discussions regarding projects for the Steens Mountain Comprehensive Recreation Plan, inholder access, and fencing in the No Livestock Grazing Area; and regular business items such as approving the previous meeting's minutes, member round-table, and planning the next meeting's agenda. Any other matters that may reasonably come before the SMAC may also be addressed. The public may attend the field tour but must provide their own transportation. A public comment period is available during the June 21 session. Unless otherwise approved by the SMAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the SMAC for a maximum of five minutes. The public is welcome to attend all sessions, including the field tour, but must provide personal transportation.

Rhonda Karges,

Andrews/Steens Resource Area Field Manager.

[FR Doc. 2016–11948 Filed 5–19–16; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–558 and 731–TA–1316 (Preliminary)]

1-Hydroxyethylidene-1, 1-Diphosphonic Acid From China; Determinations

On the basis of the record[1] developed in the subject investigations, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of 1-hydroxyethylidene-1, 1-diphosphonic acid ("HEDP") from China, provided for in subheading 2931.90.90 (statistical reporting number 2931.90.9043) of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value ("LTFV") and are allegedly subsidized by the government of China.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce ("Commerce") of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

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[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Background

On March 31, 2016, Compass Chemical International LLC, Smyrna, Georgia, filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of 1-hydroxyethylidene-1, 1-diphosphonic acid from China. Accordingly, effective March 31, 2016, the Commission, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation No. 701–TA–558 and antidumping duty investigation No. 731–TA–1316 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 7, 2016 (81 FR 20416). The conference was held in Washington, DC, on April 21, 2016, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on May 16, 2016. The views of the Commission are contained in USITC Publication 4612 (May 2016), entitled *1-Hydroxyethylidene-1, 1-Diphosphonic Acid from China: Investigation Nos. 701–TA–558 and 731–TA–1316 (Preliminary)*.

By order of the Commission.

Issued: May 16, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–11891 Filed 5–19–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Pharmacore, Inc.

ACTION: Notice of registration.

SUMMARY: Pharmacore, Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Pharmacore, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated January 27, 2016, and published in the **Federal Register** on February 4, 2016, 81 FR 6044, Pharmacore, Inc., 4180 Mendenhall Oaks Parkway, High Point, North Carolina 27265 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Pharmacore, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Oxymorphone (9652)	II
Noroxymorphone (9668)	II

The company plans to manufacture the listed controlled substances as active pharmaceutical ingredients (APIs) for clinical trials.

Dated: May 16, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–11939 Filed 5–19–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Mallinckrodt, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 19, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control ("Deputy Assistant Administrator") pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on February 19, 2016, Mallinckrodt, LLC, 3600 North Second Street, Saint Louis, Missouri 63147 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Gamma Hydroxybutyric Acid (2010)	I
Tetrahydrocannabinols (7370)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Difenoxin (9168)	I

Controlled substance	Schedule
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Norlevorphanol (9634)	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) (9821)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Nabilone (7379)	II
4-Anilino-N-phenethyl-4-piperidine (ANPP) (8333)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium tincture (9630)	II
Opium, powdered (9639)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacturer bulk active pharmaceutical ingredients (APIs) for distribution to its customers.

Dated: May 16, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–11940 Filed 5–19–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: American Radiolabeled Chemicals

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before July 19, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control ("Deputy Assistant Administrator") pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on March 3, 2016, American Radiolabeled Chemicals, 101 Arc Drive, Saint Louis, Missouri 63146 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Gamma Hydroxybutyric Acid (2010)	I
Ibogaine (7260)	I
Lysergic Acid Diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Dimethyltryptamine (7435)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II

Controlled substance	Schedule
Amobarbital (2125)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Metazocine (9240)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Phenazocine (9715)	II
Carfentanil (9743)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances as radiolabeled compounds for biochemical research.

Dated: May 16, 2016.

Louis J. Milione,
Deputy Assistant Administrator.

[FR Doc. 2016–11938 Filed 5–19–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–372]

Exempt Chemical Preparations Under the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Order with opportunity for comment.

SUMMARY: The applications for exempt chemical preparations received by the Drug Enforcement Administration (DEA) between January 1, 2016, and March 31, 2016, as listed below, were accepted for filing and have been approved or denied as indicated.

DATES: Interested persons may file written comments on this order in accordance with 21 CFR 1308.23(e). Electronic comments must be submitted, and written comments must be postmarked, on or before July 19, 2016. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

ADDRESSES: To ensure proper handling of comments, please reference "Docket No. DEA–372" on all correspondence, including any attachments. The Drug Enforcement Administration (DEA) encourages that all comments be submitted through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the Web page or to attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov.* If you have received a comment tracking number, your comment has been successfully submitted and there is no need to resubmit the same comment. Paper comments that duplicate the electronic submission are not necessary and are discouraged. Should you wish to mail a comment in lieu of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Barbara J. Boockholdt, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov* and in the DEA's public docket. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase "PERSONAL IDENTIFYING INFORMATION" in the first paragraph of your comment. You must also place all the personal identifying information you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

Comments containing personal identifying information and confidential business information identified as directed above will generally be made publicly available in redacted form. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document is available at *http://www.regulations.gov* for easy reference.

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. Titles II and III are referred to as the "Controlled Substances Act" and the "Controlled Substances Import and Export Act," respectively, and are collectively referred to as the "Controlled Substances Act" or the "CSA" for the purpose of this action. 21 U.S.C. 801–971. The DEA published the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II.

The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while ensuring an adequate supply is available for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Section 201 of the CSA (21 U.S.C. 811) authorizes the Attorney General, by regulation, to exempt from certain provisions of the CSA certain compounds, mixtures, or preparations containing a controlled substance, if she finds that such compounds, mixtures, or preparations meet the requirements detailed in 21 U.S.C. 811(g)(3)(B).[1] The DEA regulations at 21 CFR 1308.23 and 1308.24 further detail the criteria by which the DEA Deputy Assistant Administrator may exempt a chemical preparation or mixture from certain provisions of the CSA. The Deputy Assistant Administrator may, pursuant to 21 CFR 1308.23(f), modify or revoke the criteria by which exemptions are granted and modify the scope of exemptions at any time.

Exempt Chemical Preparation Applications Submitted Between January 1, 2016, and March 31, 2016

The Deputy Assistant Administrator received applications between January 1, 2016, and March 31, 2016, requesting exempt chemical preparation status detailed in 21 CFR 1308.23. Pursuant to the criteria stated in 21 U.S.C. 811(g)(3)(B) and in 21 CFR 1308.23, the Deputy Assistant Administrator has found that each of the compounds, mixtures, and preparations described in Chart I below is intended for laboratory, industrial, educational, or special research purposes and not for general administration to a human being or animal and either: (1) Contains no narcotic controlled substance and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse; or (2) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration that the preparation or mixture does not present any potential for abuse; if the preparation or mixture contains a narcotic controlled substance, it must be formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused or have ill effects if abused, and so that the narcotic substance cannot in practice be removed.

Accordingly, pursuant to 21 U.S.C. 811(g)(3)(B), and in accordance with 21 CFR 1308.23 and 21 CFR 1308.24, the Deputy Assistant Administrator has determined that each of the chemical preparations or mixtures generally described in Chart I below and specifically described in the application materials received by the DEA, are exempt, to the extent described in 21 CFR 1308.24, from application of sections 302, 303, 305, 306, 307, 308, 309, 1002, 1003, and 1004 (21 U.S.C. 822–823, 825–829, and 952–954) of the CSA, and 21 CFR 1301.74, as of the date that was provided in the approval letters to the individual requesters.

CHART I

Supplier	Product name	Form	Application date
Cayman Chemical Company	Δ9-THC Metabolite Mixture CRM; 1 mg/mL each in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Δ9-THC Metabolite Mixture CRM; 100 µg/mL each in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Δ9-THC Metabolite Mixture CRM; 250 µg/mL each in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Δ9-THC Metabolite Mixture CRM; 500 µg/mL each in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Δ9-THC/Cannabidiol/Cannabinol Mixture CRM; 1 mg/mL each in Methanol.	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Δ9-THC/Cannabidiol/Cannabinol Mixture CRM; 100 µg/mL each in Methanol.	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Δ9-THC/Cannabidiol/Cannabinol Mixture CRM; 250 µg/mL each in Methanol.	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Δ9-THC/Cannabidiol/Cannabinol Mixture CRM; 500 µg/mL each in Methanol.	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabicitran CRM; 1 mg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabicitran CRM; 1 mg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabicitran CRM; 100 µg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabicitran CRM; 100 µg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabinodiol CRM; 1 mg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabinodiol CRM; 1 mg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabinodiol CRM; 100 µg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabinodiol CRM; 100 µg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabinol monomethyl ether CRM; 1 mg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabinol monomethyl ether CRM; 1 mg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabinol monomethyl ether CRM; 100 µg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Cannabinol monomethyl ether CRM; 100 µg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Clonazepam-d4 CRM; 1 mg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016

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[1] This authority has been delegated from the Attorney General to the Administrator of the DEA by 28 CFR 0.100, and subsequently redelegated to the Deputy Assistant Administrator pursuant to Section 7 of 28 CFR 0.104, appendix to subpart R.

CHART I—Continued

Supplier	Product name	Form	Application date
Cayman Chemical Company	Clonazepam-d4 CRM; 100 µg/mL each in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zaleplon CRM; 1 mg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zaleplon CRM; 1 mg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zaleplon CRM; 100 µg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zaleplon CRM; 100 µg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zolpidem CRM; 1 mg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zolpidem CRM; 1 mg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zolpidem CRM; 100 µg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zolpidem CRM; 100 µg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zopiclone CRM; 1 mg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zopiclone CRM; 1 mg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zopiclone CRM; 100 µg/mL in Acetonitrile	Glass vial: 1 mL	2/10/2016
Cayman Chemical Company	Zopiclone CRM; 100 µg/mL in Methanol	Glass vial: 1 mL	2/10/2016
Cerilliant Corporation	delta9-Tetrahydrocannabinolic acid A (1.0 mg/mL)	Glass vial: 1 mL	2/5/2016
Cerilliant Corporation	m-Hydroxycocaine (1 mg/mL)	Glass ampule: 1 mL	2/16/2016
Cerilliant Corporation	NIST SRM–971 Extract	Glass ampule: 0.3 mL	1/4/2016
Cerilliant Corporation	Norhydromorphone HCl (1 mg/mL)	Glass ampule: 1 mL	3/17/2016
Cerilliant Corporation	o-Hydroxycocaine (1 mg/mL)	Glass ampule: 1 mL	2/16/2016
Cerilliant Corporation	p-Hydroxycocaine (1 mg/mL)	Glass ampule: 1 mL	2/16/2016
Cerilliant Corporation	T–096 Extract	Glass ampule: 0.2 mL	1/4/2016
Cerilliant Corporation	T–097 Extract	Glass ampule: 0.3 mL	1/4/2016
Cerilliant Corporation	Thebaine (1 mg/mL)	Glass ampule: 1 mL	3/17/2016
Cerilliant Corporation	VAC–10–1	Glass ampule: 0.3 mL	1/4/2016
Cerilliant Corporation	VAC–10–2	Glass ampule: 0.3 mL	1/4/2016
Cerilliant Corporation	VAC–10–3	Glass ampule: 0.3 mL	1/4/2016
Cerilliant Corporation	VAC–10–4	Glass ampule: 0.3 mL	1/4/2016
Cerilliant Corporation	VAC–10–5	Glass ampule: 0.3 mL	1/4/2016
Cerilliant Corporation	VAC–10–6	Glass ampule: 0.3 mL	1/4/2016
Cerilliant Corporation	Zolpidem (1 mg/mL)	Glass ampule: 1 mL	3/17/2016
IsoSciences, LLC	(±)-Amphetamine-[13C6] • HCl, 0.1 mg/mL in methanol	Glass ampule: 1 mL	2/18/2016
IsoSciences, LLC	(±)-Amphetamine-[13C6] • HCl, 1.0 mg/mL in methanol	Glass ampule: 1 mL	2/18/2016
IsoSciences, LLC	(±)-Methamphetamine-[13C6] • HCl, 0.1 mg/mL in methanol	Glass ampule: 1 mL	2/18/2016
IsoSciences, LLC	(±)-Methamphetamine-[13C6] • HCl, 1.0 mg/mL in methanol	Glass ampule: 1 mL	2/18/2016
IsoSciences, LLC	(±)-Methylenedioxyamphetamine-[13C6] • HCl ((±)-MDA-[13C6] • HCl), 0.1 mg/mL in methanol.	Glass ampule: 1 mL	2/18/2016
IsoSciences, LLC	(±)-Methylenedioxyamphetamine-[13C6] • HCl ((±)-MDA-[13C6] • HCl), 1.0 mg/mL in methanol.	Glass ampule: 1 mL	2/18/2016
IsoSciences, LLC	(±)-Methylenedioxyethylamphetamine-[13C6] • HCl ((±)-MDEA-[13C6] • HCl), 0.1 mg/mL in methanol.	Glass ampule: 1 mL	2/18/2016
IsoSciences, LLC	(±)-Methylenedioxyethylamphetamine-[13C6] • HCl ((±)-MDEA-[13C6] • HCl), 1.0 mg/mL in methanol.	Glass ampule: 1 mL	2/18/2016
Lipomed Inc	Chlordiazepoxide-D5 (0.1 mg/1 mL acetonitrile)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	Chlordiazepoxide-D5 (1 mg/1 mL acetonitrile)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	Clotiazepam (1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	d,l-Methamphetamine-D14.HCl (0.1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	d,l-Methamphetamine-D14.HCl (1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	d,l-threo-Methylphenidate-D10.HCl (0.1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	d,l-threo-Methylphenidate-D10.HCl (1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	Oxycodone-OCD3.HCl (0.1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	Oxycodone-OCD3.HCl (1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	Oxymetholone (1 mg/1 mL acetonitrile)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	Prazepam-D5 (0.1 mg/1 mL acetonitrile)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	Prazepam-D5 (1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	Tapentadol.HCl (1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
SPEX CertiPrep Group, LLC	(−)-delta8-THC, 1000 µg/mL in Methanol	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	(−)-delta9-THC, 1000 µg/mL in Methanol	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	(−)-delta9-THC-D3, 100 µg/mL in Methanol	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	(−)-delta9-THC-D3, 1000 µg/mL in Methanol	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	(±)-11-Hydroxy-delta9-THC, 100 µg/mL in Methanol	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	(±)-11-nor-9-Carboxy-delta9-THC-D3, 100 µg/mL in Methanol	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	(±)-11-nor-9-Carboxy-delta9-THC-D3, 1000 µg/mL in Methanol	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	(±)-delta8-THC (Qualitative use only), 100 µg/mL in Heptane	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	(±)-delta9-THC (Qualitative use only), 100 µg/mL in Heptane	Glass ampule: 2 mL	2/25/2016
SPEX CertiPrep Group, LLC	exo-THC, 1000 µg/mL in Methanol	Glass ampule: 2 mL	2/25/2016
Ultra Scientific, Inc	Custom Standard—Quote# 032116–099	Glass ampule: 5 mL	3/29/2016

The Deputy Assistant Administrator has found that each of the compounds, mixtures, and preparations described in Chart II below is not consistent with the criteria stated in 21 U.S.C. 811(g)(3)(B) and in 21 CFR 1308.23. Accordingly, the

Deputy Assistant Administrator has determined that the chemical preparations or mixtures generally described in Chart II below and specifically described in the application materials received by DEA, are not exempt from application of any part of the CSA or from application of any part of the CFR, with regard to the requested exemption pursuant to 21 CFR 1308.23, as of the date that was provided in the determination letters to the individual requesters.

CHART II

Supplier	Product name	Form	Application date
Lipomed Inc	Naloxone N-Oxide (1 mg/1 mL ACN/H2O 1:1)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	HU–210 (1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016
Lipomed Inc	HU–210 (0.1 mg/1 mL methanol)	Glass ampule: 1 mL	1/28/2016

Scope of Approval

The exemptions are applicable only to the precise preparation or mixture described in the application submitted to DEA in the form(s) listed in this order and only for those sections of the CSA and the CFR that are specifically identified. In accordance with 21 CFR 1308.24(h), any change in the quantitative or qualitative composition of the preparation or mixture, or change in the trade name or other designation of the preparation or mixture after the date of application requires a new application. In accordance with 21 CFR 1308.24(g), the DEA may prescribe requirements other than those set forth in 1308.24(b)–(e) on a case-by-case basis for materials exempted in bulk quantities. Accordingly, in order to limit opportunity for diversion from the larger bulk quantities, the DEA has determined that each of the exempted bulk products listed in this order may only be used in-house by the manufacturer, and may not be distributed for any purpose, or transported to other facilities.

Additional exempt chemical preparation requests received between January 1, 2016, and March 31, 2016, and not otherwise referenced in this order may remain under consideration until the DEA receives additional information required, in accordance with 21 CFR 1308.23(d), as detailed in separate correspondence to individual requesters. The DEA's order on such requests will be communicated to the public in a future **Federal Register** publication.

The DEA also notes that these exemptions are limited to exemption from only those sections of the CSA and the CFR that are specifically identified in 21 CFR 1308.24(a). All other requirements of the CSA and the CFR apply, including registration as an importer as required by 21 U.S.C. 957.

Chemical Preparations Containing Newly Controlled Substances

The statutory authority for exempt chemical preparations is based on the control status of substances contained within a preparation, the intended administration of a preparation, and the packaged form of a preparation. The DEA conducts a case-by-case analysis of each application for exemption to determine whether exemption of a preparation from certain provisions of the CSA is appropriate pursuant to the specified statutory and regulatory requirements.

Most exempt chemical preparations have remained effective until the holder of a specific exempt chemical preparation specifically requested that the exemption be terminated. The CSA allows for modifications to the controlled substances schedules to add, remove, or change the schedule of substances thus resulting in periodic modifications to the control status of various substances. 21 U.S.C. 811(a). Since the CSA was enacted in 1970, the DEA has on several occasions added to, removed from, or modified the schedules of controlled substances in accordance with the CSA. Such changes may result in the non-compliance of exempt chemical preparations with current statutes or regulations if chemical preparations that have already obtained exempt status contain newly controlled substances. For example, although an exempt chemical preparation may continue to be packaged in the same manner as when it was approved, non-controlled substances in the preparation may become controlled, thus prompting the need for a new application for exemption of the chemical preparation to ensure continued compliance. Other preparations that previously contained no controlled substances may contain newly controlled substances and thus would require an application for exemption.

The DEA reviews applications for chemical preparation exemptions based on the statutes and regulations that are in place at the time of the application, including the control status of substances included in the preparation. The DEA must remain vigilant to ensure that exempt chemical preparations remain consistent with the standards set forth in the CSA and its implementing regulations. As such, the DEA reminds the public that any chemical preparation, regardless of whether it was previously exempt, that contains a newly controlled substance will require a new application for exemption pursuant to 21 U.S.C. 811(g)(3)(B) and 21 CFR 1308.23–1308.24.

Opportunity for Comment

Pursuant to 21 CFR 1308.23, any interested person may submit written comments on or objections to any chemical preparation in this order that has been approved or denied as exempt. If any comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which this order is based, the Deputy Assistant Administrator will immediately suspend the effectiveness of any applicable part of this order until he may reconsider the application in light of the comments and objections filed.

Approved Exempt Chemical Preparations are Posted on DEA's Web Site

A list of all current exemptions, including those listed in this order, is available on the DEA's Web site at *http://www.DEAdiversion.usdoj.gov/schedules/exempt/exempt_chemlist.pdf.* The dates of applications of all current exemptions are posted for easy reference.

Dated: May 16, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–11937 Filed 5–19–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Unemployment Insurance Materials Transmittal

AGENCY: Office of the Secretary, DOL.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, "Unemployment Insurance Materials Transmittal," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 20, 2016.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201512-1205-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Unemployment Insurance Materials Transmittal information collection. Social Security Act (SSA) section 303(a)(6) requires, as a condition of a State receiving an administrative grant, that State law provide for making reports, in such form and containing such information, as the Secretary of Labor may from time to time require and compliance with such provisions as the Secretary of Labor may from time to time find necessary to assure the correctness and verification of such reports. Regulations 20 CFR 601.3, in part, implements this requirement by requiring submission of all relevant State materials (*e.g.*, statutes, executive and administrative orders, legal opinions, rules, regulations, interpretations, court opinions, etc.). In addition, the Unemployment Compensation for Federal Civilian Employees program regulations at 20 CFR 609.1(d)(1) and the Unemployment Compensation for Ex-Service Members program regulations at 20 CFR 614.1(d)(1) require submission of certain documents to ensure States properly administer these programs. This information collection has been classified as a revision, because Form MA 8–7 now includes a check box for Agreements and Arrangements. An earlier version of the form included the field, but it had been removed in more recent clearances. Experience has shown having the field adds clarity. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503(a)(6).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0222. The current approval is scheduled to expire on May 31, 2016; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 28, 2016 (80 FR 58298).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0222. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Unemployment Insurance Materials Transmittal.

OMB Control Number: 1205–0222.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 301.

Total Estimated Annual Time Burden: 75 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 16, 2016.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2016–11861 Filed 5–19–16; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0020]

Proposed Extension of Information Collection; Operations Under Water

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Operations Under Water.

DATES: All comments must be received on or before July 18, 2016.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0011.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Title 30 CFR Sections 75.1716, 75.1716–1 and 75.1716–3 require operators of underground coal mines to provide MSHA notification before mining under bodies of water and to obtain a permit to mine under a body of water if, in the judgment of the Secretary, it is sufficiently large to constitute a hazard to miners. The regulation is necessary to prevent the inundation of underground coal mines with water that has the potential of drowning miners.

The coal mine operator submits an application for the permit to the District Manager in whose district the mine is located. Applications contain the name and address of the mine; projected mining and ground support plans; a mine map showing the location of the river, stream, lake or other body of water and its relation to the location of all working places; and a profile map showing the type of strata and the distance in elevation between the coal bed and the water involved. MSHA has provided an exemption from notification and permit application for mine operators where the projected mining is under any water reservoir constructed by a Federal agency as of December 30, 1969, and where the operator is required by such agency to operate in a manner that adequately protects the safety of miners. The exemption for such mining is addressed by 30 CFR Sections 75.1716 and 75.1717.

MSHA also encourages a mine operator to provide more information in an application. When the operator files an application for a permit, in addition to the information required under 30 CFR Section 75.1716–3, operators are also encouraged to include a map of the active areas of the mine under the body of water showing the following: Bottom of coal elevations (minimum 10-ft contour intervals); the limits of the body of water and the estimated quantity of water in the pool; the limits of the proposed "safety zone" within which precautions will be taken; overburden thickness (depth of cover) contours; corehole locations; and known faults, lineaments, and other geologic features.

If the body of water is contained within an overlying mine, then MSHA recommends a map of the overlying mine showing bottom of coal elevations (minimum 10-ft contour intervals), when available, corehole locations, the limits of the body of water with the estimated quantity of water in the pool, and interburden to active mine below be provided. Operators are also encouraged to submit the methods that were used to estimate the quantity of water in the pool, borehole logs, including geotechnical information (RQD, fracture logs, etc.) if available; rock mechanics data on the overburden, interburden, mine roof, and mine floor, if available; mining height of the seam being mined, pillar and floor stability analyses for the active mine, whether second mining is planned, whether mining will be conducted down-dip or up-dip, where water will flow to in the active mine if encountered, pumping capabilities for dewatering, a comprehensive evacuation plan for the miners, and a statement of what in-mine conditions would trigger the implementation of the evacuation plan, and training that will be provided to the miners regarding the potential hazards.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Operations Under Water. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL—Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Operations Under Water. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0020.

Affected Public: Business or other for-profit.

Number of Respondents: 91.

Frequency: On occasion.

Number of Responses: 91.

Annual Burden Hours: 501 hours.

Annual Respondent or Recordkeeper Cost: $1,360.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2016–11916 Filed 5–19–16; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0025]

Proposed Extension of Information Collection; Application for a Permit To Fire More Than 20 Boreholes and/or for the Use of Nonpermissible Blasting Units, Explosives, and Shot-Firing Units; Posting Notices of Misfires

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Application for a Permit to Fire More than 20 Boreholes and/or for the use of Nonpermissible Blasting Units, Explosives, and Shot-firing Units; Posting Notices of Misfires.

DATES: All comments must be received on or before July 19, 2016.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0012.
- *Regular Mail: Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.*
- *Hand Delivery: USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.*

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 313 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 873, any explosives used in underground coal mines must be permissible. The Mine Act also provides that, under safeguards prescribed by the Secretary of Labor, a mine operator may permit the firing of more than 20 shots and the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. Title 30 CFR 75.1321 outlines the procedures by which a permit may be issued for the firing of more than 20 boreholes and/or the use of nonpermissible shot-firing units in underground coal mines. In those instances in which there is a misfire of explosives, section 75.1327 requires that a qualified person post each accessible entrance to the affected area with a warning to prohibit entry. Section 77.1909–1 outlines the procedures by which a coal mine operator may apply for a permit to use nonpermissible explosives and/or shot-firing units in the blasting of rock while sinking shafts or slopes for underground coal mines.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Application for a Permit to Fire More than 20 Boreholes and/or for the use of Nonpermissible Blasting Units, Explosives, and Shot-firing Units; Posting Notices of Misfires. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Application for a Permit to Fire More than 20 Boreholes and/or for the use of Nonpermissible Blasting Units, Explosives, and Shot-firing Units; Posting Notices of Misfires. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0025.

Affected Public: Business or other for-profit.

Number of Respondents: 70.

Frequency: On occasion.

Number of Responses: 91.

Annual Burden Hours: 77 hours.

Annual Respondent or Recordkeeper Cost: $455.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2016–11917 Filed 5–19–16; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0001]

Proposed Extension of Information Collection; Certificate of Electrical Training and Applications for MSHA Approved Tests and State Tests Administered as Part of an MSHA-Approved State Program

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Certificate of Electrical Training and Applications for MSHA Approved Tests and State Tests Administered as Part of an MSHA-approved State Program.

DATES: All comments must be received on or before July 19, 2016.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0017.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 305(g) of the Federal Mine Safety and Health Act of 1977 (Mine Act), all electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions.

Title 30 CFR 75.153 and 77.103 define a person as qualified to perform electrical work if he has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by MSHA; or if he has at least one year of experience performing electrical work underground in a coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program approved by MSHA or has attained a satisfactory grade on a series of five written tests approved by MSHA.

MSHA Form 5000–1 provides the coal mining industry with a standardized reporting format that expedites the certification process while ensuring compliance with the regulations. The information provided on the form enables MSHA to determine if the applicants satisfy the requirements to obtain the certification or qualification.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Certificate of Electrical Training and Applications for MSHA Approved Tests and State Tests Administered as Part of an MSHA-approved State Program. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Certificate of Electrical Training and Applications for MSHA Approved Tests and State Tests Administered as Part of an MSHA-approved State Program. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0001.

Affected Public: Business or other for-profit.

Number of Respondents: 289.

Frequency: On occasion.

Number of Responses: 1,414.

Annual Burden Hours: 599 hours.

Annual Respondent or Recordkeeper Cost: $274.

MSHA Forms: MSHA Form 5000–1, Certificate of Electrical Training.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2016–11915 Filed 5–19–16; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before June 20, 2016 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Alexandria, VA 22314–3428 or email at *PRAComments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by emailing *PRAComments@ncua.gov* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0185.

Type of Review: Extension without change of a previously approved collection.

Title: NCUA Vendor Registration Form.

Form: NCUA 1772.

Abstract: Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Act) (Pub. L. 111–203) calls for agencies to promote the inclusion of minority and women-owned firms in their business activities. The Act also requires agencies to annually report to Congress the total amounts paid to minority and women-owned businesses. In order for NCUA to comply with this Congressional mandate, NCUA 1772 is used to collect certain information from its current and potential vendors, so that it can identify businesses that meet the criteria. The vendor information is to be submitted to the agency on a one-time basis and will be used to assign an ownership status to the vendor (*i.e.,* minority-owned business, woman-owned business) per the requirements of the Act. Once an ownership status is assigned to each vendor, NCUA will be able to calculate the total amounts of contracting dollars paid to minority-owned and women-owned businesses.

Affected Public: Private sector: Businesses and other for-profits.

Estimated Annual Burden Hours: 167.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on May 16, 2016.

Dated: May 17, 2016.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2016–11921 Filed 5–19–16; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0101]

Superseded or Outdated Generic Communications

AGENCY: Nuclear Regulatory Commission.

ACTION: Generic communications; withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is withdrawing selected generic communications because they have been superseded or they contain information that is no longer applicable.

DATES: The effective date of the withdrawals is May 20, 2016.

ADDRESSES: Please refer to Docket ID NRC–2016–0101 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0101. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select "*ADAMS Public Documents*" and then select "*Begin Web-based ADAMS Search.*" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the "Availability of Documents" section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Angela M. Baxter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2976; email: *Angela.Baxter@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is withdrawing selected generic communications because they have been superseded or they contain information that is no longer applicable. The withdrawal includes the original generic communication and any supplements or revisions. The NRC plans to publish withdrawals of selected generic communications on a quarterly basis until all generic communications are brought up to date. A withdrawal does not change licensee commitments to the document. The withdrawn generic communications will not be available for use in the future. The generic communications Web site (*http://www.nrc.gov/reading-rm/doc-collections/gen-comm/*) will be updated to reflect the withdrawals. The following generic communications are withdrawn:

- Generic communications regarding the "Operator Licensing Examination

Schedule" and "Preparation and Scheduling of Operator Licensing Examinations" are withdrawn because the NRC routinely requests updates from licensee's regarding its licensing examination schedule. Each generic communication on this topic supersedes the previous request. These generic communications include: Generic Letter (GL) 1983–01, GL 1983–40, GL 1985–04, GL 1985–18, GL 1986–14, GL 1987–14, GL 1988–13, GL 1989–03, GL 1990–07, GL 1991–12, GL 1992–06, Administrative Letter (AL) 1993–03, AL 1994–12, AL 1996–01, AL 1997–02, AL 1999–03, Regulatory Issue Summary (RIS) 2000–14, RIS 2001–17, RIS 2002–09, RIS 2003–14, RIS 2004–10, RIS 2005–19, RIS 2006–15, RIS 2007–17, RIS 2008–16, RIS 2009–11, RIS 2010–08, RIS 2011–04, RIS 2012–07, RIS 2013–06, and RIS 2014–05.

- AL 1993–02, "Implementing the Revised Systematic Assessment of Licensee Performance (SALP) Program," and AL 1998–07, "Interim Suspension of the Systematic Assessment of Licensee Performance (SALP) Program," are withdrawn because the Commission approved termination of the SALP program in the staff requirements memorandum for SECY–00–0049, "Results of the Revised Oversight Process Pilot Program," dated February 24, 2000.
- AL 1993–04, "Announcement of Forthcoming Public Meetings on Whistleblower Protection Activities," is withdrawn because these meetings have been held. There is no summary or transcript available for these meetings.
- AL 1993–05, "Announcement of Public Workshop on the Form and Content of Design Certification Rules," is withdrawn. The workshops were held and the transcript is publicly available in ADAMS (see "Availability of Documents" section).
- AL 1994–01, "Forthcoming NRC Meeting with Industry to Discuss the Potential for Pressure Locking and Thermal Binding of Gate Valves," is withdrawn because the meeting has been held. There is no summary or transcript available for this meeting.
- AL 1994–04, "Change of the NRC Operations Center Commercial Telephone and Facsimile Numbers," and AL 1995–01, "Change in Commercial Telephone and Facsimile Numbers at Nuclear Regulatory Commission Headquarters," are withdrawn because the changes and updates have been implemented and distributed. The current telephone numbers at the NRC Headquarters and Operations Center are available on the NRC's public Web site, *http://www.nrc.gov/about-nrc/contactus/*.
- AL 1994–05, "Notification Concerning Changes to 10 CFR part 55" [part 55 of title 10 of the *Code of Federal Regulations*, "Operators' Licenses"], is withdrawn because it was for notification only.
- AL 1994–08, "Consolidation of the NRC Region V and Region IV Offices," is withdrawn because the consolidation has taken place. A list of current NRC Headquarters and Regional offices is available on the NRC's public Web site, *http://www.nrc.gov*.
- AL 1994–10, "Distribution of NUREG–1478, 'Non-Power Reactor Operator Licensing Examiner Standards,' " is withdrawn because the distribution was for information only. To view the latest version of NUREG–1478, please go to *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1478/*.
- AL 1994–13, "Access to Nuclear Regulatory Commission Bulletin Board Systems," is withdrawn because availability of the NRC bulletin board system has been superseded by the NRC public Web site and list server program. To stay current with news and information from the NRC, you may subscribe to multiple automatic updates by email, including RSS feeds, GovDelivery subscription services, and Lyris subscription services. To enroll, or for more information about the individual updates available, please go to *http://www.nrc.gov/public-involve/listserver.html*.
- AL 1994–14, "Distribution of Supplement to NUREG–1021, 'Operator Licensing Examiner Standards,' " is withdrawn because the distribution was for information only. To view the latest version of NUREG–1021, please go to *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1021/*.
- AL 1994–15, "Reorganization of the Office of Nuclear Reactor Regulation," and AL 1999–01, "Reorganization of the Office of Nuclear Reactor Regulation," are withdrawn because the reorganization has been accomplished. For current organizational information, including branch level functional statements and an organization chart for the Office of Nuclear Reactor Regulation, please go to *http://www.nrc.gov/about-nrc/organization/nrrfuncdesc.html*. To view current organizational information and functional descriptions for all offices within the NRC, please go to *http://www.nrc.gov/about-nrc/organization.html*.
- AL 1994–17, "Addressing Correspondence to the NRC," is withdrawn. AL 1994–17 indicates that all written correspondence is to be addressed to the NRC's Document Control Desk to ensure the correspondence is entered into the NRC's Nuclear Document Control System (NUDOCS). The NRC staff no longer uses NUDOCS; ADAMS is the current records management system.
- AL 1995–05, "Revisions to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion," is withdrawn because it has been superseded by RIS 2005–01, Revision 1, "Changes to Notice of Enforcement Discretion Process and Staff Guidance," which transmits NRC Inspection Manual Chapter 0410, "Notices of Enforcement Discretion," dated March 13, 2013.
- AL 1998–02, "Revisions to Event Reporting Guidelines for Power Reactors," is withdrawn because this information is now available on the NRC's public Web site. For a complete listing of NRC reports associated with events, please go to *http://www.nrc.gov/reading-rm/doc-collections/event-status/event/*.
- AL 1998–05, "Availability of Summaries in Electronic Format of Technical Reports by the Office for Analysis and Evaluation of Operational Data," is withdrawn because this information is now available on the NRC's public Web site. For a complete listing of reports or brochures on regulatory decisions, results of research, results of incident investigations, and other technical and administrative information, please go to *http://www.nrc.gov/reading-rm/doc-collections/nuregs/*.
- AL 1998–08, "Availability of Revised NRC Form 3, 'Notice to Employees,' and Closure of NRC Walnut Creek Field Office," is withdrawn. AL 1999–04, "Availability of Revised NRC Form 3, 'Notice to Employees,' " transmitted a revised version of Form 3 and is also withdrawn. To view a current version of NRC Form 3 (5/2012), please go to *http://www.nrc.gov/reading-rm/doc-collections/forms/nrc3.pdf*. A list of current NRC Headquarters and Regional offices is available on NRC's public Web site, *http://www.nrc.gov/about-nrc/locations.html*.
- GL 1991–18, Revision 1, "Information to Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded and Nonconforming Condition," is withdrawn. GL 1991–18 has been superseded by RIS 2005–20, Revision 2, "Revision to NRC Inspection Manual Part 9900 Technical Guidance—'Operability Determination & Functionality Assessments for Resolution of Degraded or Nonconforming conditions Adverse to

Quality for Safety,' " which announced Inspection Manual Chapter 0326 as the current operating guidance.

II. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS Accession No.
Generic Letter 1983–01, "Operator Licensing Examination Site Visit," January 11, 1983	ML031080134
Generic Letter 1983–40, "Operator Licensing Examinations," December 21, 1983	ML031080565
Generic Letter 1985–04, "Operator Licensing Examinations," January 29, 1985	ML031150585
Generic Letter 1985–18, "Operator Licensing Examinations," September 27, 1985	ML031150718
Generic Letter 1986–14, "Operator Licensing Examinations," August 20, 1986	ML031150264
Generic Letter 1987–14, "Operator Licensing Examinations," August 4, 1987	ML031150510
Generic Letter 1988–13, "Operator Licensing Examinations," August 8, 1988	ML031150402
Generic Letter 1989–03, "Operator Licensing National Examination Schedule," March 24, 1989	ML031150236
Generic Letter 1990–07, "Operator Licensing National Examination Schedule," August 10, 1990	ML031210427
Generic Letter 1991–12, "Operator Licensing National Examination Schedule," August 27, 1991	ML031200673
Generic Letter 1992–06, "Operator Licensing National Examination Schedule," September 16, 1992	ML031130412
Administrative Letter 1993–03, "Operator Licensing National Examination Schedule," September 7, 1993	ML031110448
Administrative Letter 1994–12, "Operator Licensing National Examination Schedule," September 12, 1994	ML031110484
Administrative Letter 1996–01, "Operator Licensing National Examination Schedule," January 9, 1996	ML031110125
Administrative Letter 1997–02, "Elimination of National Examination Schedule for Operator Licensing," March 6, 1997	ML031110165
Administrative Letter 1999–03, "Preparation and Scheduling of Operator Licensing Examinations," August 20, 1999	ML031110127
Regulatory Issue Summary 2000–14, "Preparation and Scheduling of Operator Licensing Examinations," September 6, 2000	ML003743535
Regulatory Issue Summary 2001–17, "Preparation and Scheduling of Operator Licensing Examinations," August 22, 2001	ML012110294
Regulatory Issue Summary 2002–09, "Preparation and Scheduling of Operator Licensing Examinations," June 6, 2002	ML021570110
Regulatory Issue Summary 2003–14, "Preparation and Scheduling of Operator Licensing Examinations," August 27, 2003	ML032370311
Regulatory Issue Summary 2004–10, "Preparation and Scheduling of Operator Licensing Examinations," June 14, 2004	ML041400040
Regulatory Issue Summary 2005–19, "Preparation and Scheduling of Operator Licensing Examinations," August 24, 2005	ML052080128
Regulatory Issue Summary 2006–15, "Preparation and Scheduling of Operator Licensing Examinations," August 14, 2006	ML061870141
Regulatory Issue Summary 2007–17, "Preparation and Scheduling of Operator Licensing Examinations," July 12, 2007	ML071500449
Regulatory Issue Summary 2008–16, "Preparation and Scheduling of Operator Licensing Examinations," June 27, 2008	ML081160148
Regulatory Issue Summary 2009–11, "Preparation and Scheduling of Operator Licensing Examinations," July 16, 2009	ML091470309
Regulatory Issue Summary 2010–08, "Preparation and Scheduling of Operator Licensing Examinations," June 28, 2010	ML101460195
Regulatory Issue Summary 2011–04, "Preparation and Scheduling of Operator Licensing Examinations," May 25, 2011	ML111170337
Regulatory Issue Summary 2012–07, "Preparation and Scheduling of Operator Licensing Examinations," June 8, 2012	ML120650174
Regulatory Issue Summary 2013–06, "Preparation and Scheduling of Operator Licensing Examinations," June 7, 2013	ML13098A074
Regulatory Issue Summary 2014–05, "Preparation and Scheduling of Operator Licensing Examinations," April 29, 2014	ML14042A493
Administrative Letter 1993–02, "Implementing the Revised Systematic Assessment of Licensee Performance (SALP) Program," August 30, 1993.	ML031110437
Administrative Letter 1998–07, "Interim Suspension of the Systematic Assessment of Licensee Performance (SALP) Program," October 2, 1998.	ML031110141
SECY–00–0049, "Results of the Revised Reactor Oversight Process Pilot Program," February 24, 2000	ML003683227
Administrative Letter 1993–04, "Announcement of Forthcoming Public Meetings on Whistleblower Protection Activities," September 9, 1993.	ML031110440
Administrative Letter 1993–05, "Announcement of Public Workshop on the Form and Content of Design Certification Rules," October 29, 1993.	ML031110443
Transcript, "Workshop on Certification on Evolutionary LWR [light-water reactor] Designs," November 23, 1993	ML003708102
Administrative Letter 1994–01, "Forthcoming NRC Meeting with Industry to Discuss the Potential for Pressure Locking and Thermal Binding of Gate Valves," January 13, 1994.	ML031110544
Administrative Letter 1994–04, "Change of the NRC Operations Center Commercial Telephone and Facsimile Numbers," April 11, 1994.	ML031110536
Administrative Letter 1995–01, "Change in Commercial Telephone and Facsimile Numbers at Nuclear Regulatory Commission Headquarters," January 23, 1995.	ML031110341
Administrative Letter 1995–01, Supplement 1, "Change in Commercial Telephone and Facsimile Numbers at Nuclear Regulatory Commission Headquarters," February 2, 1995.	ML031110337
Administrative Letter 1994–05, "Notification Concerning Changes to 10 CFR Part 55," April 25, 1994	ML031110529
Administrative Letter 1994–08, "Consolidation of the NRC Region IV and Region V Offices," July 13, 1994	ML031110511
Administrative Letter 1994–10, "Distribution of NUREG–1478, 'Non-Power Reactor Operator Licensing Examiner Standards,' " August 17, 1994.	ML031110506
Administrative Letter 1994–13, "Access to Nuclear Regulatory Commission Bulletin Board Systems," September 13, 1994	ML031110480
Administrative Letter 1994–13, "Access to Nuclear Regulatory Commission Bulletin Board Systems," Rev. 1, June 29, 1995	ML031110460
Administrative Letter 1994–13, "Access to Nuclear Regulatory Commission Bulletin Board Systems," Rev. 2, May 3, 1996	ML031110472
Administrative Letter 1994–14, "Distribution of Supplement [7] to NUREG–1021, 'Operator Licensing Examiner Standards,' " September 22, 1994.	ML031110450
Administrative Letter 1994–15, "Reorganization of the Office of Nuclear Reactor Regulation," October 6, 1994	ML031110444
Administrative Letter 1999–01, "Reorganization of the Office of Nuclear Reactor Regulation," April 9, 1999	ML031110145
Administrative Letter 1994–17, "Addressing Correspondence to the NRC," December 15, 1994	ML031110347
Administrative Letter 1995–05, "Revisions to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion," November 7, 1995.	ML031200349
Administrative Letter 1995–05, Revision 1, "Revisions to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion," February 19, 1999.	ML031110281
Administrative Letter 1995–05, Revision 2, "Revisions to Staff Guidance for Implementing NRC Policy on Notices of Enforcement Discretion," July 27, 1999.	ML031210366

Document	ADAMS Accession No.
Regulatory Issue Summary 2005–01, Revision 1, "Changes to Notice of Enforcement Discretion Process and Staff Guidance," March 13, 2013.	ML12163A492
Administrative Letter 1998–02, "Revisions to Event Reporting Guidelines for Power Reactors," March 17, 1998	ML031110223
Administrative Letter 1998–05, "Availability of Summaries in Electronic Format of Technical Reports by the Office for Analysis and Evaluation of Operational Data," August 3, 1998.	ML031110160
Administrative Letter 1998–08, "Availability of Revised NRC Form 3, 'Notice to Employees' and Closure of NRC Walnut Creek Field Office," October 9, 1998.	ML031110130
Administrative Letter 1999–04, "Availability of Revised NRC Form 3, 'Notice to Employees,'" September 10, 1999	ML031110112
Generic Letter 1991–18, "Information to Licensees Regarding Two NRC Inspection Manual Sections on Resolution of Degraded and Nonconforming Conditions and on Operability," November 7, 1991.	ML031140549
Generic Letter 1991–18, Revision 1, "Information to Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded and Nonconforming Conditions," October 8, 1997.	ML031200701
Regulatory Issue Summary 2005–20, Revision 2, "Revision to NRC Inspection Manual Part 9900 Technical Guidance—'Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety,'" June 5, 2015.	ML15106A484

Dated at Rockville, Maryland, this 17th day of May, 2016.

For the Nuclear Regulatory Commission.

Sheldon Stuchell,

Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–11994 Filed 5–19–16; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2016–168; Order No. 3294]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning notice to enter into an additional Global Reseller Expedited Package Services 2 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 23, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On May 13, 2016, the Postal Service filed notice that it has entered into an additional Global Reseller Expedited Package Services 2 (GREPS 2) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2016–168 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than May 23, 2016. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Natalie R. Ward to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2016–168 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Natalie R. Ward is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than May 23, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2016–11859 Filed 5–19–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–131 and CP2016–167; Order No. 3295]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 214 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 23, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

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[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement, May 13, 2016 (Notice).

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30-.35, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 214 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–131 and CP2016–167 to consider the Request pertaining to the proposed Priority Mail Contract 214 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than May 23, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2016–131 and CP2016–167 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than May 23, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2016–11860 Filed 5–19–16; 8:45 am]

BILLING CODE 7710–FW–P

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[1] Request of the United States Postal Service to Add Priority Mail Contract 214 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, May 13, 2016 (Request).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–127, OMB Control No. 3235–0108]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE.,Washington, DC 20549–2736

Extension:
Rule 14f–1

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved

Under Exchange Act Rule 14f–1 (17 CFR 240.14f–1), if a person or persons have acquired securities of an issuer in a transaction subject to Sections 13(d) or 14(d) of the Exchange Act, and changes a majority of the directors of the issuer otherwise than at a meeting of security holders, then the issuer must file with the Commission and transmit to security holders information related to the change in directors within 10 days prior to the date the new majority takes office as directors. We estimate that it takes approximately 18 burden hours to provide the information required under Rule 14f–1 and that the information is filed by approximately 64 respondents for a total annual burden of 1,152 hours (18 hours per response × 64 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: May 16, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11875 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:
Rule 15Ba2–5, SEC File No. 270–91, OMB Control No. 3235–0088.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information provided for in Rule 15Ba2–5 (17 CFR 240.15Ba2–5)—Registration of Fiduciaries, under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

On July 7, 1976, effective July 16, 1976 (*see* 41 FR 28948, July 14, 1976), the Commission adopted Rule 15Ba2–5 under the Exchange Act to permit a duly-appointed fiduciary to assume immediate responsibility for the operation of a municipal securities dealer's business. Without the rule, the fiduciary would not be able to assume operation until it registered as a municipal securities dealer. Under the rule, the registration of a municipal securities dealer is deemed to be the registration of any executor, administrator, guardian, conservator, assignee for the benefit of creditors, receiver, trustee in insolvency or bankruptcy, or other fiduciary, appointed or qualified by order, judgment, or decree of a court of competent jurisdiction to continue the business of such municipal securities dealer, provided that such fiduciary files with the Commission, within 30 days after entering upon the performance of his duties, a statement setting forth as to such fiduciary substantially the same information required by Form MSD or Form BD. The statement is necessary to ensure that the Commission and the public have adequate information about the fiduciary.

There is approximately 1 respondent per year that requires an aggregate total of 4 hours to comply with this rule. This respondent makes an estimated 1 annual response. Each response takes approximately 4 hours to complete. Thus, the total compliance burden per year is 4 burden hours. The approximate cost per hour is $20, resulting in a total internal cost of compliance for the respondent of approximately $80 (*i.e.,* 4 hours × $20).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 16, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11872 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77838; File No. SR–NYSE–2016–33]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adopting New NYSE Rules 2090 (Know Your Customer) and 2111 (Suitability) That Are Substantially Similar to FINRA Rules 2090 and 2111 and Deleting Current Rule 405 and the Related NYSE Rule Interpretation To Harmonize Its Rules With Certain Financial Industry Regulatory Authority, Inc. Rules

May 16, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act" or "Exchange Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 3, 2016, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes: (1) Adopting new NYSE Rules 2090 (Know Your Customer) and 2111 (Suitability) that are substantially similar to FINRA Rules 2090 (Know Your Customer) and 2111 (Suitability); (2) deleting current Rule 405 (Diligence as to Accounts) and the related NYSE Rule Interpretation in order to harmonize its rules with certain Financial Industry Regulatory Authority, Inc. ("FINRA") rules; and (3) making other conforming changes. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules to harmonize with certain FINRA rules. Specifically, the Exchange proposes: (1) Adopting new NYSE Rules 2090 and 2111 that are substantially similar to FINRA Rules 2090 and 2111; (2) deleting Rule 405[4] and the related NYSE Rule Interpretation; and (3) making other conforming changes.

Background

In 2007, the Exchange and FINRA[5] entered into an agreement (the "Agreement") pursuant to Rule 17d–2 under the Act to reduce regulatory duplication by allocating to FINRA certain regulatory responsibilities for NYSE rules and rule interpretations ("FINRA Incorporated NYSE Rules").[6] In order to reduce regulatory duplication and relieve firms that are both members of the Exchange and FINRA of conflicting or unnecessary regulatory burdens, FINRA has been reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[7] NYSE MKT LLC ("NYSE

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] References to "Rules" are to NYSE Rules unless otherwise indicated.

[5] NYSE Regulation, Inc., a former not-for-profit subsidiary of the Exchange, was also a party to the Agreement by virtue of the fact that it performed regulatory functions for the Exchange pursuant to a delegation agreement. *See* Exchange Act Release No. 53382 (Feb. 27, 2006), 71 FR 11251, 11264–65 (Mar. 6, 2006) (SR–NYSE–2005–77) (approving delegation agreement). The delegation agreement terminated on February 16, 2016, and NYSE Regulation has ceased providing regulatory services to the Exchange, which has re-integrated its regulatory functions.

[6] *See* Exchange Act Release Nos. 56148 (July 26, 2007), 72 FR 42146 (Aug. 1, 2007) (order approving the Agreement); 56147 (Jul. 26, 2007), 72 FR 42166 (Aug. 1, 2007) (SR–NASD–2007–054) (order approving the incorporation of certain NYSE Rules as "Common Rules"). Paragraph 2(b) of the Agreement sets forth procedures regarding proposed changes by FINRA or the Exchange to the substance of any of the Common Rules.

[7] FINRA's rulebook currently has three sets of rules: (1) NASD Rules; (2) FINRA Incorporated NYSE Rules; and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE ("Dual Members"), while the consolidated FINRA Rules apply to all FINRA

MKT") became a party to the Agreement effective December 15, 2008.[8]

As part of the rule consolidation process, in 2010, FINRA harmonized NASD and FINRA Incorporated NYSE Rules and interpretations concerning know your customer and suitability.[9] In its filing, FINRA: (1) Adopted FINRA Rules 2090 (Know Your Customer) and 2090 (Suitability); and (2) deleted NASD Rule 2310 (Recommendations to Customers (Suitability)), NYSE Rule 405 (Diligence as to Accounts), and NYSE Rule Interpretations 405/01 through /04. The rule change was effective July 9, 2012.[10]

Currently, the Exchange does not have separate rules for know your customer and suitability. Rather, Rule 405 (Diligence as to Accounts) requires every member organization, through a principal executive or a person or persons designated under the provisions of Rule 3110(a), to take certain actions relative to customers and customer accounts. First, Rule 405(1) requires member organizations to use "due diligence" to learn the "essential facts relative to every customer, every order, every cash or margin account accepted or carried by such organization and every person holding power of attorney over any account accepted or carried by such organization." Second, Rule 405(2) requires member organizations to supervise diligently all accounts handled by registered representatives. Finally, Rule 405(3) requires persons designated by the member to be informed of the essential facts relative to the customer and to the nature of the proposed account prior to approving the opening of the account.

Supplementary Material .10 of Rule 405 discusses the requirement that firms know their customers and imposes specific knowledge and due diligence requirements in connection with the authority of third parties to act on behalf of customers that are legal entities, including margin accounts carried by a member organization for a non-member corporation, cash accounts carried for a non-member corporation, and agency accounts carried by a member organization.[11] Supplementary Material .20 of Rule 405 refers to the requirements of Rule 4311 concerning the permitted allocation of responsibilities between introducing and carrying organizations. Supplementary Material .30 cross references to Rule 414 (Index and Currency Warrants).[12]

Proposed Rule Change

The Exchange proposes to delete current Rule 405 and the related NYSE Rule Interpretation, which are, in main part, either duplicative of, or do not align with, the proposed know your customer and suitability requirements discussed below, and adopt the text of FINRA Rules 2090 and 2111.[13]

Proposed Rule 2090 (Know Your Customer)

Like FINRA Rule 2090, Proposed NYSE Rule 2090 would encompass the "main ethical standard" of Rule 405(1).[14] The proposed rule would require every "member organization through a principal executive or a person or persons designated under the provisions of Rule 3110(a)"[15] to use "reasonable diligence," with regard to the opening and maintenance of every account, in order to know and retain the essential facts concerning every customer. The proposed supplementary material would define "essential facts" as those "required to (a) effectively service the customer's account, (b) act in accordance with any special handling instructions for the account, (c) understand the authority of each person acting on behalf of the customer, and (d) comply with applicable laws, regulations, and rules."[16] The proposed rule would be identical to FINRA Rule 2090 except that the proposed rule would use the term "member organization" rather than the term "member," as the terms have different meanings under the FINRA rules and the Exchange rules.[17]

Proposed Rule 2111 (Suitability)

Proposed Rule 2111, like its FINRA counterpart, would require a member organization or person associated with a member organization[18] to have a "reasonable basis" to believe that a recommended transaction or investment strategy involving a security or securities is suitable for the customer. This assessment would be based on the information obtained through the reasonable diligence of the member organization or person associated with a member organization to ascertain the customer's investment profile, which includes, but is not limited to, the customer's age, other investments,

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members. For more information about the FINRA rulebook consolidation process, see FINRA Information Notice, March 12, 2008.

[8] *See* Exchange Act Release No. 60409 (Jul. 30, 2009), 74 FR 39353 (Aug. 6, 2009) (order approving the amended and restated Agreement, adding NYSE MKT as a party). Paragraph 2(b) of the Agreement sets forth procedures regarding proposed changes by FINRA, NYSE or NYSE MKT to the substance of any of the Common Rules.

[9] *See* Exchange Act Release No. 63325 (Nov. 17, 2010), 75 FR 71479 (Nov. 23, 2010) (SR–FINRA–2010–039) ("FINRA Know Your Customer and Suitability Approval").

[10] *See* FINRA Regulatory Notice 11–25 (May 2011). The original effective date was October 7, 2011.

[11] As discussed below, the Exchange believes that Supplementary Material .10 of Rule 405 is redundant of Proposed Rule 2090 and Proposed Supplementary Material .01 thereof that would require firms to know the essential facts concerning every customer.

[12] Rule 414 provides that Rule 723 (Suitability) applies to recommendations in currency warrants, currency index warrants and stock index warrants. The Exchange proposes to replace the outdated references to Rule 723 with a reference to Proposed Rule 2111. The Exchange believes that the remaining cross references in Rule 405 are either no longer necessary or moot.

[13] The Exchange would also make the following technical and conforming changes: (1) Substitute the term "member organization" for the term "member," which appears in FINRA's rules (*see* note 17, *infra*); (2) substitute the term "person associated with a member organization" for the term "associated person," which appears in FINRA's rules (*see* note 17, *infra*); (3) substitute the term "Exchange" for "FINRA"; (4) change certain cross-references to FINRA rules to cross-references to Exchange rules; and (5) add references to Proposed Rules 2090 and 2111 in Rule 3170 (Tape Recording of Registered Persons by Certain Firms).

[14] *See* FINRA Know Your Customer and Suitability Approval, 75 FR at 71480.

[15] This is the current formulation in Rule 405, which the Exchange proposes to retain. This formulation differs from that of FINRA Rule 2090, which does not require a member to fulfill its obligations under the rule "through a principal executive or a person or persons designated under the provisions of Rule 3110(a)."

[16] *See* Proposed Rule 2090.01. Like FINRA, the Exchange does not propose to incorporate the requirement in NYSE Rule 405(1) to learn the essential facts relative to "every order." The Exchange agrees with FINRA that the application of existing order-handling rules renders this formulation unnecessary. *See* FINRA Know Your Customer and Suitability Approval, 75 FR at 71480. Further, the Exchange's proposed suitability rule would also require members and member organizations and their associated persons to use reasonable diligence to understand the securities and strategies they recommend, further obviating the need for this language. *See id.*

[17] Under FINRA Rule 0160(b)(9), "member" means an organization that is a member of FINRA. NYSE's equivalent term is "member organization." *See* Rule 2(b)(i). Under NYSE Rule 2(a), the term "member" means a natural person associated with a member organization that has been approved by the Exchange and designated by such member organization to effect transactions on the floor of the Exchange or any facility thereof. A "member" is not a registered broker-dealer and does not have employees; only member organizations have employees. As noted below, for purposes of the proposed change, the Exchange proposes to continue using the phrase "person associated with a member organization" to indicate employees of a member organization for purposes of Proposed Rule 2111.

[18] As proposed, Rule 2111 is identical to FINRA Rule 2111 except that the Exchange proposes to use the phrase "member organization or person associated with a member organization" rather than "member or an associated person" to indicate the coverage of the rule. As discussed above, "member" and "member organization" have different meanings under the NYSE and FINRA rules, and under the NYSE's rules only member organizations can have employees. *See* note 17, *supra*. The Exchange thus proposes to use the phrase "person associated with a member organization" to indicate employees of a member organization for purposes of Proposed Rule 2111.

financial situation and needs, tax status, investment objectives, investment experience, investment time horizon, liquidity needs, risk tolerance, and any other information the customer may disclose to the member organization or person associated with a member organization in connection with such recommendation.[19] Like the FINRA rule, the proposed rule would explicitly cover a recommended investment strategy.[20] The proposed rule would exclude the following communications from the coverage of Proposed Rule 2111 as long as they do not include (standing alone or in combination with other communications) a recommendation of a particular security or securities:

- General financial and investment information, including (i) basic investment concepts, such as risk and return, diversification, dollar cost averaging, compounded return, and tax deferred investment, (ii) historic differences in the return of asset classes (*e.g.*, equities, bonds, or cash) based on standard market indices, (iii) effects of inflation, (iv) estimates of future retirement income needs, and (v) assessment of a customer's investment profile;
- Descriptive information about an employer-sponsored retirement or benefit plan, participation in the plan, the benefits of plan participation, and the investment options available under the plan;
- Asset allocation models that are (i) based on generally accepted investment theory, (ii) accompanied by disclosures of all material facts and assumptions that may affect a reasonable investor's assessment of the asset allocation model or any report generated by such model, and (iii) in compliance with FINRA Rule 2214 (Requirements for the Use of Investment Analysis Tools) if the asset allocation model is an "investment analysis tool" covered by FINRA Rule 2214; and
- Interactive investment materials that incorporate the above.[21]

Again, like its FINRA counterpart, the proposed rule would be composed of three main suitability obligations, as follows:

- The reasonable-basis suitability obligation, which requires a member organization or person associated with a member organization to have a reasonable basis to believe, based on reasonable diligence, that the recommendation is suitable for at least some investors; [22]
- The customer-specific suitability obligation, which requires that a member organization or person associated with a member organization have a reasonable basis to believe that the recommendation is suitable for a particular customer based on that customer's investment profile, as delineated in Proposed Rule 2111(a); [23] and
- The quantitative suitability obligation, which requires a member organization or person associated with a member organization who has actual or de facto control over a customer account to have a reasonable basis for believing that a series of recommended transactions, even if suitable when viewed in isolation, are not excessive and unsuitable for the customer when taken together in light of the customer's investment profile, as delineated in Proposed Rule 2111(a).[24]

Proposed Rule 2111 would also prohibit a member organization or person associated with a member organization from recommending a transaction or investment strategy involving a security or securities or the continuing purchase of a security or securities or use of an investment strategy involving a security or securities unless the member organization or person associated with a member organization has a reasonable basis to believe that the customer has the financial ability to meet such a commitment.[25]

Finally, like the FINRA rule, Proposed Rule 2111 would provide an exemption to customer-specific suitability for institutional investors, who would be required to affirmatively indicate that they are exercising independent judgment in evaluating the recommendations of the member organization or person associated with a member organization on a trade-by-trade basis, on an asset-class-by-asset-class basis, or in terms of all potential transactions for its account.[26]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[27] in general, and furthers the objectives of Section 6(b)(5) of the Act,[28] in particular, because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes the proposed rule change is consistent with the Exchange's obligations under the Exchange Act to prevent fraudulent or manipulative acts and practices, and to promote just and equitable principles of trade, because the proposed rule would incorporate the FINRA "know your customer" rule and related suitability standards into the Exchange's rules. The "know your customer" and suitability obligations are critical to ensuring investor protection and fair dealing with customers.

Further, the Exchange believes that the proposed rule change supports the objectives of Section 6(b)(5) of the Act by providing greater harmonization between Exchange rules and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance. In particular, Exchange member organizations that are also FINRA members are subject to NYSE Rule 405 and FINRA Rules 2090 and 2111, and harmonizing these rules by adopting proposed rules identical to FINRA Rules 2090 and 2111would promote just and equitable principles of trade by providing greater harmonization between NYSE rules and FINRA rules of similar purpose by requiring the same standards for "know your customer" and suitability, resulting in less burdensome and more efficient regulatory compliance for Dual Members. As previously noted, the proposed rule text is substantially the same as FINRA's rule text. To the extent the Exchange has proposed changes that differ from the FINRA version of the Exchange rules, such changes are technical in nature and do not change the substance of the proposed rules. The Exchange also believes that the proposed rule change will update and add specificity to the requirements governing "know your customer" and suitability requirements, which will promote just and equitable principles of trade and help to protect investors.

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[19] *See* Proposed Rule 2111(a). For institutional customers, the proposed rule would, like the FINRA rule, require that a member organization or person associated with a member organization have a reasonable basis to believe that the institutional customer is capable of evaluating investment risks independently, both in general and with regard to particular transactions and investment strategies, and is exercising independent judgment in evaluating recommendations. *See* Proposed Rule 2111(b). Institutional customers would also be required to affirmatively indicate that they are exercising independent judgment. *See id.*

[20] *See* FINRA Know Your Customer and Suitability Approval, 75 FR at 71481.

[21] *See* Proposed Rule 2111.03.

[22] *See* Proposed Rule 2111.05(a). The proposed rule would clarify that, in general, what constitutes reasonable diligence will vary depending on, among other things, the complexity of and risks associated with the security or investment strategy and the member organization's or person associated with a member organization's familiarity with the security or investment strategy. Further, a member organization's or person associated with a member organization's reasonable diligence must provide the member organization or person associated with a member organization with an understanding of the potential risks and rewards associated with the recommended security or strategy. Finally, the proposed rule would specify that the lack of such an understanding when recommending a security or strategy violates the suitability rule. *See generally id.*

[23] *See* Proposed Rule 2111.05(b).

[24] *See* Proposed Rule 2111.05(c). The proposed rule would provide that no single test defines excessive activity but that factors such as the turnover rate, the cost-equity ratio, and the use of in-and-out trading in a customer's account may provide a basis for a finding that a member organization or person associated with a member organization has violated the quantitative suitability obligation. *See id.*

[25] *See* Proposed Rule 2111.06.

[26] *See* Proposed Rule 2111.07. Like the FINRA rule, the institutional-customer exemption would apply only if both parts of the two-part test are met: (1) There is a reasonable basis to believe that the institutional customer is capable of evaluating investment risks independently, in general and with regard to particular transactions and investment strategies, and (2) the institutional customer affirmatively indicates that it is exercising independent judgment in evaluating recommendations. *See* Proposed Rule 2111(b); FINRA Know Your Customer and Suitability Approval, 75 FR at 71481, n. 25.

[27] 15 U.S.C. 78f(b).

[28] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[29] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather to achieve greater consistency between the Exchange's rules and FINRA's rules concerning "know your customer" and suitability.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [30] and Rule 19b–4(f)(6) thereunder.[31] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[32] However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.[33]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [34] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2016–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2016–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2016–33 and should be submitted on or before June 10, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11884 Filed 5–19–16; 8:45 am]

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[29] 15 U.S.C. 78f(b)(8).

[30] 15 U.S.C. 78s(b)(3)(A)(iii).

[31] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[32] 17 CFR 240.19b–4(f)(6)(iii).

[33] *Id.*

[34] 15 U.S.C. 78s(b)(2)(B).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77848; File No. SR–CBOE–2016–024]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposed Rule Change, as Modified by Amendment No. 2 Thereto, Relating to AIM Retained Orders

May 17, 2016.

I. Introduction

On March 22, 2016, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to codify the Exchange's Automated Improvement Mechanism ("AIM") Retained Order functionality in its rules. On April 1, 2016, the Exchange filed Amendment No. 1 to the proposal. On April 4, 2016, the Exchange filed Amendment No. 2 to the proposal.[3] The proposed rule change, as modified by Amendment No. 2, was published for comment in the **Federal Register** on April 8, 2016.[4] No comment letters were received on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 2.

II. Description of the Proposed Rule Change

Under CBOE Rule 6.74A, a Trading Permit Holder ("TPH") that represents agency orders may electronically execute an order it represents as agent ("Agency Order") against principal interest or against a solicited order provided it submits the Agency Order for electronic execution into the AIM auction ("Auction") for processing. If certain eligibility requirements contained in CBOE Rule 6.74A(a)[5] are not satisfied, then both the Agency Order and the matching contra order(s) will be cancelled.

The AIM Retained Order ("A:AIR") functionality allows TPHs the ability to choose, on an order-by-order basis, whether an Agency Order should continue into the Hybrid Trading System[6] for processing rather than cancel in the event that an Auction cannot occur.[7] Specifically, the Exchange proposes to define an AIM Retained Order as the transmission of two or more orders for crossing pursuant to CBOE Rule 6.74A, with the Agency Order priced at the market or a limit price in the standard increment for the option series and marked with a contingency instruction to route the Agency Order for processing and cancel any contra orders if an Auction cannot occur (including if the conditions described in CBOE Rule 6.74A(a) are not met).

CBOE also proposes that orders marked "A:AIR" containing Agency Orders that are not priced at the market, or that are priced with a limit price not in the standard increment for the option series in which they are entered, would be cancelled. The Exchange proposes this interpretation to ensure that A:AIR orders are properly priced to allow the Exchange to book the Agency Order in the event an Auction cannot occur.[8]

CBOE proposes to make the A:AIR order functionality available on those order management platforms as determined by the Exchange and announced via Regulatory Circular. The Exchange also proposes to clarify that in the event that a TPH submits a matched Agency Order for electronic execution into the Auction that is ineligible for processing because it does not meet the conditions described in CBOE Rule 6.74A(a), both the Agency Order and any solicited contra orders will be cancelled unless marked as an AIM Retained Order pursuant to proposed Interpretation and Policy .09 to CBOE Rule 6.74A.[9]

Finally, the Exchange proposes to make changes to Interpretation and Policy .08 to CBOE Rule 6.53C regarding price reasonability checks on complex orders to harmonize non-specific references to the current A:AIR functionality in CBOE Rule 6.53C with the language in proposed Interpretation and Policy .09 to CBOE Rule 6.74A. The Exchange states that these changes are non-substantive and intended only to harmonize existing references to A:AIR functionality in its rules with the definition of A:AIR orders set forth in proposed Interpretation and Policy .09 to CBOE Rule 6.74A.[10]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[11] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and that the rules not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In particular, the Commission notes that, according to the Exchange, the A:AIR functionality provides an execution opportunity for customer orders that a TPH submitted for crossing via AIM but cannot be executed via AIM.[13] Such opportunity could help protect the interest of investors by helping to ensure that ineligible AIM Agency Orders are processed, rather than cancelled.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 2 superseded Amendment No. 1 in its entirety.

[4] *See* Securities Exchange Act Release No. 77511 (April 4, 2016), 81 FR 20697 ("Notice").

[5] Specifically, to be eligible for processing via AIM, the Agency Order must be: (1) In a class designated as eligible for Auctions and within the designated eligibility size parameters as determined by the Exchange; (2) stopped with a principal or solicited order priced at the national best bid or offer ("NBBO") (if 50 standard option contracts or 500 mini-option contracts or greater) or one cent/one minimum increment better than the NBBO (if less than 50 standard option contracts or 500 mini-option contracts); and (3) submitted in a series in which at least three Market-Makers are quoting if submitted during regular trading hours. *See* CBOE Rule 6.74A(a).

[6] The Hybrid Trading System refers to the Exchange's trading platform as defined in Rule 1.1(aaa) (Hybrid Trading System).

[7] According to the Exchange, there are a variety of circumstances in which an AIM order may be submitted to the Exchange for processing, but an auction may not occur. For example, a TPH may submit an order for AIM processing that is not AIM eligible because one or more of the conditions required for an AIM auction to occur pursuant to Rule 6.74A(a) is not present. In addition, an order that is otherwise AIM eligible may not be able to process for a variety of reasons, including, but not limited to circumstances in which AIM functionality is suspended. In either of such cases, A:AIR functionality may allow the Agency Order to process despite the overall order not being AIM eligible. *See* Notice, *supra* note 4, at 20698.

[8] *See* Notice, *supra* note 4, at 20698.

[9] According to the Exchange, the current A:AIR functionality is used primarily by smart router technology to ensure that ineligible AIM orders are submitted into the Hybrid Trading System for processing and not cancelled. *See* Notice, *supra* note 4, at 20698. Whereas traditional brokers and dealers are equipped to manually handle cancelled orders that are returned to them and may revise the cancelled orders' terms or contact their customers for further instructions, the Exchange states that smart routers are generally all electronic algorithmic systems that may not allow for manual handling of cancelled orders. *See id.*

[10] *See* Notice, *supra* note 4, at 20698.

[11] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78f(b)(5).

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–CBOE–2016–024), as modified by Amendment No. 2, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–12015 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77839; File No. SR–NASDAQ–2016–066]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Nasdaq Rule 4703

May 16, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 4, 2016, The Nasdaq Stock Market LLC ("Nasdaq" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 4703 (Order Attributes).

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/*, at Nasdaq's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to amend Rule 4703(a)(7). This rule currently provides that a market participant entering an order using the SCAN routing strategy prior to 8:00 a.m. Eastern time ("ET") may designate the order to activate upon entry or at 8:00 a.m. ET. The Exchange proposes to extend this functionality to the recently approved Retail Order Process ("RTFY") order routing option.[3]

The RTFY order routing option is designed to enhance execution quality and benefit retail investors by providing price improvement opportunities to retail order flow. Previously, retail order firms often sent non-marketable order flow, that is—orders that are not executable against the best prices available in the market place based on their limit price—to post and display on exchanges. Some of the orders that have been deemed to be non-marketable by the entering firm become marketable by the time the exchange receives them and ultimately remove liquidity from the exchange order book. The RTFY routing option is an alternative method for posting non-marketable order flow on the Exchange order book. Rather than allowing the marketable Designated Retail Orders ("DROs")[4] to immediately remove liquidity from the Exchange order book (unless explicitly instructed to do so), the order is routed to destinations in the System routing table[5] to increase price improvement opportunities for the DROs. RTFY may remove liquidity from the Exchange book after routing to other destinations. Any non-marketable RTFY orders will post on the Exchange book.

Under the SCAN[6] routing strategy orders can check the System for available shares and simultaneously route the remaining shares to destinations on the System routing table. Shares that remain unexecuted after routing are posted on the Exchange book. Once on the Exchange book, if the order is subsequently locked or crossed by another market center, the System will not route the order to the locking or crossing market center.

Currently, RFTY users may enter extended hours orders, which may execute, route, or post to the book prior to the beginning of regular hours trading. Extended hours orders are accepted starting at 4 a.m. ET. SCAN users may also send extended hours orders which are eligible for execution, routing, and posting prior to regular market hours trading. However, SCAN users may also designate that their extended hours orders not activate until 8 a.m. Some market participants maintain systems that do not allow executions prior to 8 a.m. The Exchange believes this functionality for SCAN orders supports market participants by giving them the ability to allow orders to flow through to the Exchange while keeping them inactive until 8 a.m.

The Exchange believes that the market participants who currently use this functionality for the SCAN order routing option, as described in Nasdaq Rule 4703(a)(7), are similar to the market participants who use the new RTFY order routing option. While the users of the SCAN routing strategy are diverse, the users of the 8 a.m. activation functionality are generally retail focused broker-dealers. RTFY is an order routing option designed specifically for DROs in order to provide more opportunities for price improvement to individual retail investor's orders. Because the firms that choose to utilize the 8 a.m. activation feature of SCAN are generally firms that represent retail orders, the Exchange believes that it makes sense to provide this functionality to the retail firms that make use of the RTFY routing option. The Exchange proposes to update the fifth bullet point under Nasdaq Rule 4703(a) for consistency as to this point as well.

The proposed rule change will allow market participants using RTFY to benefit by having the added flexibility to allow their orders to activate at 8:00 a.m. ET in the same way current users of this functionality do with SCAN. Additionally, Nasdaq believes that by extending this functionality to the RTFY order routing option it will support these market participants as they seek ways in which to more efficiently manage the retail order flow that they submit to the Exchange.

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[13] *See* Notice, *supra* note 4, at 20699.

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76335 (Nov. 3, 2015), 80 FR 69256 (Nov. 9, 2015) (SR–NASDAQ–2015–112).

[4] *See* Nasdaq Rule 7018.

[5] The term "System routing table" refers to the proprietary process for determining the specific trading venues to which the System routes orders and the order in which it routes them. NASDAQ reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice. *See* NASDAQ Rule 4758(a)(1)(A).

[6] *See* Nasdaq Rule 4758(a)(1)(A)(iv).

The Exchange also proposes to eliminate the final sentence of Nasdaq Rule 4703(a)(7), which refers to the term "ESCN". ESCN denotes an order using the SCAN routing strategy entered prior to 8:00 a.m. ET and that is not activated until 8:00 a.m. ET. The inclusion of this term is unnecessary and its elimination will simplify the rule and lessen potential confusion for market participants regarding this rule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder, including the requirements of Section 6(b) of the Act.[7] In particular, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

Nasdaq believes that the proposed rule change promotes just and equitable principles of trade, as well as serves to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest because it adds flexibility to the recently approved RTFY routing option. Specifically, the proposed rule change amends both Nasdaq Rule 4703(a)(7) and the fifth bullet point under Nasdaq Rule 4703(a), which currently apply to the SCAN order routing option, to also apply to the new RTFY order routing option as well. This added functionality for RTFY will allow market participants using the RTFY order routing strategy prior to 8:00 a.m. ET to designate whether their RTFY orders will activate upon entry or at 8:00 a.m. ET.

Nasdaq believes that this additional functionality will allow the Exchange to compete more successfully for retail order flow. The Exchange bases this upon its determination that the market participants who currently use the SCAN order routing option and use this functionality are similar to the market participants who use the new RTFY order routing option. Nasdaq believes that extending this functionality to the RTFY order routing option will assist market participants in efficiently managing the order flow that they submit to the Exchange.

This added functionality is an example of different approaches to market challenges and is what drives innovation, market quality, and ultimately competition. The Exchange competes vigorously for order flow in a marketplace where participants have many trading venue choices. The Exchange believes making this functionality available to market participants using the RTFY routing option will increase competition by providing value to retail order firms and their retail investor customers, which will in turn result in more order flow being sent to the Exchange.

The Exchange also believes that its proposal to eliminate the final sentence of Nasdaq Rule 4703(a)(7) to remove the reference to "ESCN" serves to promote just and equitable principles of trade and to protect investors and the public interest through the elimination of a sentence that is unnecessary and unhelpful for market participants. Since ESCN denotes an order using the SCAN routing strategy entered prior to 8:00 a.m. ET and that is not eligible for execution until 8:00 a.m. ET, the inclusion of this term is no longer necessary and is unhelpful for market participants. The elimination of this sentence will clarify and lessen potential confusion for market participants regarding this rule.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The [sic] does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the Exchange believes that the functionality in Nasdaq Rule 4703(a)(7) being made available to market participants using the recently approved RTFY order routing strategy will promote competition by providing value to retail order firms and their retail investor customers, which will in turn result in more order flow being sent to the Exchange. This development could enhance competition to the benefit of the markets and investors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–NASDAQ–2016–066 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

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[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

All submissions should refer to File No. SR–NASDAQ–2016–066. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NASDAQ–2016–066 and should be submitted on or before June 10, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11879 Filed 5–19–16; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77837; File No. SR–NYSEARCA–2016–65]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Definition of Professional Customer in Rule 6.1A(a)(4A)

May 16, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 3, 2016, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the definition of Professional Customer in Rule 6.1A(a)(4A) to specify the manner in which the Exchange calculates average daily order submissions for purposes of counting Professional Customer orders. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the definition of Professional Customer in Rule 6.1A(a)(4A) to adopt a methodology for counting average daily order submissions in listed options to determine whether a person or entity meets the definition of a Professional Customer ("Professional Customer order counting"). The proposed rule change is designed to harmonize Professional Customer order counting with the recently adopted rules of competing options exchanges—specifically the Chicago Board of Options Exchange, Inc. ("CBOE") and NASDAQ OMX PHLX LLC ("PHLX").[4]

Rule 6.1A(a)(4A) defines Professional Customer "as an individual or organization that (i) is not a Broker/Dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s)." In adopting the Rule 6.1A(a)(4A), the Exchange noted that identifying Professional Customer accounts based upon the average number of orders entered in qualified accounts is an appropriate, objective approach that will reasonably distinguish such persons and entities from non-professional, retail investors or market participants. In order to properly represent orders entered on the Exchange, OTP Holders and OTP Firms are required to indicate whether Customer orders are "Professional Customer" orders.[5] To comply with this requirement, member organizations are required to review their Customers' activity on at least a quarterly basis to determine whether orders that are not for the account of a broker-dealer should be represented as Customer orders or Professional Customer orders.[6]

The advent of new multi-leg spread products and the proliferation of the use of complex orders and algorithmic execution strategies by both institutional and retail market participants has raised questions as to what should be counted as an "order" for Professional Customer order counting purposes. The proposed changes would specifically address the counting of multi-leg spread products, algorithm generated orders, and complex orders for purposes of determining Professional Customer status. In addition, the proposal is intended to provide guidance regarding the methodology used by the Exchange when calculating average daily orders for Professional order counting purposes.[7]

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[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release Nos. 77450 (March 25, 2016), 81 FR 18668, (March 31, 2016) (SR–CBOE–2016–005); 77449 (March 25, 2016), 81 FR 18665, (March 31, 2016) (SR–Phlx–2016–10) (approval orders). The Exchange notes that it recently issued guidance regarding Professional Customer order counting. *See e.g.,* NYSE Arca, Inc.'s and NYSE MKT LLC's Joint Regulatory Bulletin (RBO–15–03 and RBO–15–06, respectively) dated September 9, 2015. This proposal codifies that guidance in a manner that is consistent with CBOE and PHLX's approved rules.

[5] *See e.g.,* Rule 6.69 (Reporting Duties), Commentary .03 (requiring that manual orders submitted be marked with an origin code "PC.").

[6] Orders for any customer that had an average of more than 390 orders per day during any month of a calendar quarter must be represented as Professional Customer orders for the next calendar quarter. OTP Holders and OTP Firms would be required to conduct a quarterly review and make any appropriate changes to the way in which they are representing orders within five business days after the end of each calendar quarter. While members only would be required to review their accounts on a quarterly basis, if during a quarter the Exchange identifies a customer for which orders are being represented as Customer orders but that has averaged more than 390 orders per day during a month, the Exchange would notify the OTP Holder and the OTP Holder would be required to change the manner in which it is representing the customer's orders within five business days.

As proposed, the rule would provide that an order would count as one order for Professional Customer counting purposes, unless one of the exceptions enumerated in the proposed rule stipulates otherwise (each an "Exception"). The first Exception relates to the treatment of complex orders for purposes of computing orders for Professional order counting purposes. Specifically, the proposed rule provides that a complex order of eight legs or less would count as one order, whereas a complex order comprised of nine (9) option legs or more counts as multiple orders with each option leg counting as its own separate order.[8] The Exchange believes the distinction between complex orders with up to eight legs from those with nine or more legs is appropriate in light of the purposes for which Rule 6.1A(a)(4A) was adopted. In particular, the Exchange notes that multi-leg complex order strategies with nine or more legs are more complex in nature and thus, more likely to be used by professional traders than traditional two, three, and four leg complex order strategies such as the strangle, straddle, butterfly, collar, and condor strategies, and combinations thereof with eight legs or fewer, which are generally not algorithmically generated and are frequently used by non-professional, retail investors. Thus, the types of complex orders traditionally placed by retail investors would continue to count as only one order while the more complex strategy orders that are typically used by professional traders would count as multiple orders for Professional Customer order counting purposes.[9]

The second Exception relates to calculations for parent/child orders. As proposed, if a parent order submitted for the beneficial account(s) of a person or entity other than a broker or dealer is subsequently broken up into multiple child orders on the *same side* (buy/sell) *and series* by a broker or dealer, or by an algorithm housed at the broker or dealer, or by an algorithm licensed from the broker or dealer but housed with the customer, then the order would count as one order even if the child orders are routed across several exchanges.[10] The Exchange believes this proposed change would allow the orders of public customers to be "worked" by a broker (or a broker's algorithm) in order to achieve best execution without counting the multiple child orders as separate orders for Professional Customer order counting purposes. Conversely, if a parent order, including a strategy order,[11] is broken into multiple child orders on *both sides* (buy/sell) of a series and/or multiple series, then each child order would count as a *separate* new order per side and series.[12] This proposed change would allow the Exchange, for Professional Customer order counting purposes, to count as multiple orders those "child" orders of "parent" orders generated by algorithms that are typically used by sophisticated traders to continuously update their orders in concert with market updates in order to keep their overall trading strategies in balance.

The third Exception would govern the counting methodology for cancel/replace orders. As proposed, any order that cancels and replaces an existing order would count as a *separate* order (or multiple orders in the case of complex orders of nine legs or more) for Professional Customer order counting purposes.[13] However, the Exchange proposes that an order to cancel and replace a child order would *not* count as a new order if the parent order that was placed for the beneficial account(s) of a non-broker or dealer had been subsequently broken into multiple child orders on the same side and series as the parent order by a broker or dealer, algorithm at a broker or dealer, or algorithm licensed from a broker or dealer but housed at the customer.[14] By contrast, the Exchange proposes that an order that cancels and replaces a child order resulting from a parent order, including a strategy order, that generated child orders on both sides (buy/sell) of a series and/or in multiple series would count as a new order per side and series ("Both Sides/Multiple Series").[15] Finally, the Exchange proposes that, notwithstanding the treatment of a cancel/replace relating to Both Sides/Multiple Series orders, an order that cancels and replaces any child order resulting from a parent order being pegged to the Exchange's best bid or offer ("BBO") or the national best bid or offer ("NBBO") or that cancels and replaces any child order pursuant to an algorithm that uses the BBO or NBBO in the calculation of child orders and attempts to move with or follow the BBO or NBBO of a particular options series would count as a new order each time the order cancels and replaces in order to attempt to move with or follow the BBO or NBBO.[16]

Implementation

The Exchange proposes to implement the rule on July 1, 2016, which would be announced via Trader Update.

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5),[18] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposal is designed to adopt a reasonable and objective approach to determine Professional Customer status that is consistent with the approach being utilized on other options exchanges, which benefits market participants by providing consistency across exchanges regarding the Professional Customer order counting.[19] In this regard, the Exchange believes that codifying the manner in which the Exchange would conduct Professional Customer order counting would provide OTP Holders and OTP Firms with certainty and provide them with insight as they conduct their own quarterly reviews for purposes of designating orders.

The Exchange notes that it is not amending the threshold of 390 orders in listed options per day but, consisting with other exchanges is revising the method for counting Professional Customer orders in the context of multi-part orders and cancel/replace activity. In short, the proposal addresses how to account for complex orders, parent/

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[7] This proposal is consistent with CBOE and PHLX's approved rules. *See supra* n. 4.

[8] *See* proposed Rule 6.1A(a)(4A)(A)(1)(i)–(ii).

[9] *See also supra* n. 4.

[10] *See* proposed Rule 6.1A(a)(4A)(A)(2)(i).

[11] The term "strategy order" refers to an execution strategy, trading instruction, or algorithm whereby multiple "child" orders on both sides of a series and/or multiple series are generated prior to being sent to an options exchange(s).

[12] *See* proposed Rule 6.1A(a)(4A)(A)(2)(ii).

[13] *See* proposed Rule 6.1A(a)(4A)(A)(3)(i).

[14] *See* proposed Rule 6.1A(a)(4A)(A)(3)(ii).

[15] *See* proposed Rule 6.1A(a)(4A)(A)(3)(iii).

[16] *See* proposed Rule 6.1A(a)(4A)(A)(3)(iv).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *See supra* n. 4.

child orders, and cancel/replace orders. The Exchange believes that distinguishing between complex orders with 9 or more options legs and those orders with 8 or fewer options legs is a reasonable and objective approach. In addition, the Exchange believes the proposal appropriately distinguishes between parent/child orders that are generated by a broker's efforts to obtain an execution on a larger size order while minimizing market impact and multi-part orders that used by more sophisticated market participants. Similarly, the Exchange believes that the proposal that cancel/replace orders would count as separate orders with limited exceptions is a reasonable and objective approach to distinguish the orders of retail customers that are "worked" by a broker from orders generated by algorithms used by more sophisticated market participants.

Thus, the Exchange believes the proposal, which establishes an objective methodology for counting average daily order submissions for Professional Customer order counting purposes, is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposed rule change is a competitive change that is substantially similar to recent rule changes filed by the CBOE and PHLX.[20]

The Exchange notes that one of the purposes of the Professional Customer designation is to help ensure fairness in the marketplace and promote competition among all market participants. The Exchange believes that this proposal would help establish more competition among market participants and promote the purposes for which the Exchange's Professional Customer rule was originally adopted. Moreover, the proposal would stem ensure consistency and stem potential confusion as to the manner in which options exchanges compute the Professional Customer order volume.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[21] and Rule 19b–4(f)(6) thereunder.[22] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[23] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–NYSEARCA–2016–65 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NYSEARCA–2016–65. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEARCA–2016–65, and should be submitted on or before June 10, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11878 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 19b–5 and Form PILOT, SEC File No. 270–448, OMB Control No. 3235–0507.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 19b–5 (17 CFR 240.19b–5) and Form PILOT (17 CFR 249.821) under the Securities Exchange

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[20] *See id.*

[21] 15 U.S.C. 78s(b)(3)(A)(iii).

[22] 17 CFR 240.19b–4(f)(6).

[23] 15 U.S.C. 78s(b)(2)(B).

[24] 17 CFR 200.30–3(a)(12).

Act of 1934 ("Act") (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 19b–5 provides a temporary exemption from the rule-filing requirements of Section 19(b) of the Act (15 U.S.C. 78s(b)) to self-regulatory organizations ("SROs") wishing to establish and operate pilot trading systems. Rule 19b–5 permits an SRO to develop a pilot trading system and to begin operation of such system shortly after submitting an initial report on Form PILOT to the Commission. During operation of any such pilot trading system, the SRO must submit quarterly reports of the system's operation to the Commission, as well as timely amendments describing any material changes to the system. Within two years of operating such pilot trading system under the exemption afforded by Rule 19b–5, the SRO must submit a rule filing pursuant to Section 19(b)(2) of the Act (15 U.S.C. 78s(b)(2)) to obtain permanent approval of the pilot trading system from the Commission.

The collection of information is designed to allow the Commission to maintain an accurate record of all new pilot trading systems operated by SROs and to determine whether an SRO has properly availed itself of the exemption afforded by Rule 19b–5, is operating a pilot trading system in compliance with the Act, and is carrying out its statutory oversight obligations under the Act.

The respondents to the collection of information are national securities exchanges and national securities associations.

While there are 20 national securities exchanges and national securities associations that may avail themselves of the exemption under Rule 19b–5 and the use of Form PILOT, it is estimated that approximately three respondents will file a total of 3 initial reports, 12 quarterly reports, and 6 amendments on Form PILOT per year, with an estimated total annual response burden of 126 hours and an estimated total annual cost burden of $10,047. At an average hourly cost of $272.33, the estimated aggregate related internal cost of compliance with respect to Rule 19b–5 for all respondents is $34,314 per year (126 burden hours multiplied by $272.33/hour = $34,314).

Written comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 16, 2016.

Robert W Errett,

Deputy Secretary.

[FR Doc. 2016–11871 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77835; File No. SR–NYSEARCA–2016–61]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Options Fee Schedule

May 16, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 ("Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 2, 2016, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule in a number of different ways, effective May 2, 2016. Specifically, the Exchange proposes (i) to increase certain Take Liquidity Fees charged; (ii) to modify the Customer and Professional Customer Incentive Program; and (iii) to introduce a new qualification for Customer and Professional Customer Posting Credit Tiers in Non-Penny Pilot Issues, as described below.

Transaction Fees for Taking Liquidity

The Exchange proposes to modify the fees paid by Market Makers, Lead Market Makers, Firms and Broker Dealers, and Professional Customers (collectively, "Non-Customers") for Taking Liquidity in non-Penny Pilot Issues ("Take Fees"). Specifically, the Exchange proposes to increase the Take Fee charged to Non-Customers from $0.99 per contract to $1.08 per contract, which is within the range of fees charged by competing option exchanges.[4]

Customer and Professional Customer Incentive Program (the "Incentive Program")

The Exchange is proposing to increase one of the credits available under the Incentive Program, which provides OTP Holders and OTP Firms (collectively, "OTPs") five alternatives to earn additional posting credits ranging from $0.01 to $0.04.[5] Specifically, the Exchange proposes to increase from $0.04 to $0.05 the additional post credit available to OTPs that achieve at least 1.00% of Total Industry Customer equity and ETF option ADV ("TCADV") from Customer and Professional Customer Posted Orders in both Penny Pilot and non-Penny Pilot Issues, of which at least 0.25% of TCADV is from Customer and Professional Customer Posted Orders in non-Penny Pilot Issues. The Exchange believes this increased credit would provide additional incentive to direct Customer and Professional Customer order flow to the Exchange, which benefits all market participants through increased liquidity and enhanced price discovery.

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See, e.g.,* NASDAQ Options Market ("NOM") price list, *available here, http://www.nasdaqtrader.com/Micro.aspx?id=optionsPricing* (charging non-customers a $1.10 per contract take liquidity fee in Non-Penny Pilot Issues).

Customer and Professional Customer Posting Credit Tiers in Non-Penny Pilot Issues (the "Posting Credit Tiers")

Finally, the Exchange also proposes to introduce a new tier to the Posting Credit Tiers, which consist of Tier A and Tier B and provide for specified credits if specified volume thresholds have been met.[6] The Exchange is proposing to adopt a Tier C which would provide a $0.90 per contract credit to OTPs that meet or exceed a qualification basis of at least 1.50% of TCADV from Customer and Professional Customer Posted Orders in all Issues, of which at least 0.40% of TCADV is from Customer and Professional Customer Posted Orders in non-Penny Pilot Issues. The Exchange believes proposed Tier C would provide additional incentive to direct Customer and Professional Customer order flow to the Exchange, which benefits all market participants through increased liquidity and enhanced price discovery.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed Take Fees for Non-Customers are reasonable, equitable and not unfairly discriminatory because they are competitive with fees charged by other exchanges.[9] In addition, the increased Take Fees are reasonable because the fees would generate revenue that would help to support the credits offered for posting liquidity, which credits are designed to attract (and compete for) order flow to the Exchange, which provides a greater opportunity for trading by all market participants. Moreover, the Exchange believes the proposed change does not unfairly discriminate because it applies equally to all Non-Customers who are removing liquidity.

The Exchange also believes that the proposed increased additional credit under the Incentive Program as well as the addition of proposed Tier C to the Posting Credit Tiers are reasonable, equitable, and not unfairly discriminatory because the incentives would be available to all OTPs that execute posted electronic Customer and Professional Customer orders on the Exchange on an equal and non-discriminatory basis, in particular because they provide alternative means of achieving the same [sic] credit. The Exchange believes that providing methods for achieving the credits based on posted electronic Customer and Professional Customer Executions in both Penny Pilot and non-Penny Pilot issues is equitable and not unfairly discriminatory because it would continue to result in more OTPs qualifying for the credits and therefore reducing their overall transaction costs on the Exchange. Moreover, the Exchange believes the proposed modifications would provide additional incentives to direct Customer and Professional Customer order flow to the Exchange, which benefits all market participants through increased liquidity and enhanced price discovery.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[10] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed changes would continue to encourage competition, including by attracting additional liquidity to the Exchange, which would continue to make the Exchange a more competitive venue for, among other things, order execution and price discovery. The Exchange does not believe that the proposed change will impair the ability of any market participants or competing order execution venues to maintain their competitive standing in the financial markets. Further, the additional credit under the Incentive Program as well as the addition of proposed Tier C to the Posting Credit Tiers would be available to all similarly situated OTP Holders and OTP Firms that post electronic Customer and Professional Customer executions on the Exchange equally and, as such, the proposed change would not impose a disparate burden on competition either among or between classes of market participants and may, in fact, encourage competition.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[11] of the Act and subparagraph (f)(2) of Rule 19b–4[12] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[13] of the Act to determine whether the proposed rule change should be approved or disapproved.

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[5] The Exchange proposes to remove the word "four" from the italicized comment at the bottom of the Incentive Program table to make clear that there are currently five alternatives to earn the credit. *See* proposed Fee Schedule, Incentive Program ("OTP Holders and OTP Firms may earn one additional Credit from the alternatives listed above").

[6] The Exchange notes that there is a posting credit of $0.75 associated with a Base Tier for which there is no volume requirement.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] *See supra* n. 4.

[10] 15 U.S.C. 78f(b)(8).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2016–61 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2016–61. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2016–61 and should be submitted on or before June 10, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11876 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

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[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77841; File No. SR–ISEMercury–2016–11]

Self-Regulatory Organizations; ISE Mercury, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

May 16, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 2, 2016, ISE Mercury, LLC (the "Exchange" or "Mercury") filed with the Securities and Exchange Commission ("Commission") the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Mercury proposes to amend its Schedule of Fees proposes to amend its Schedule of Fees [sic] to add the definitions of "Mercury Appointed Market Maker" and "Mercury Appointed Order Flow Provider" effective May 2, 2016, which would increase opportunities for Market Makers to qualify for the Exchange's Member Volume Program ("MVP"). The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Mercury proposes to amend its Schedule of Fees to add the definitions of Mercury Appointed Market Maker and Mercury Appointed Order Flow Provider effective May 2, 2016, which would increase opportunities for members to qualify for the Exchange's MVP.[3]

Specifically, the Exchange proposes to allow a Mercury Appointed Order Flow Provider ("MOFP")[4] to designate a Mercury Appointed Market Maker ("MAMM")[5] for purposes of Section I, Table 4 of the Fee Schedule.[6] MOFPs and MAMMs would effectuate the designation by each sending an email to the Exchange by the 5th day of the month with their designations.[7] The Exchange would view the corresponding emails as acceptance of such an appointment and would only recognize one such designation for each party once every 6 months, which designation would remain in effect until the Exchange receives an email from either party indicating that the appointment has been terminated.[8] The proposed new concepts would be applicable to, and included in, Section

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The MVP tiers are determined by a member's average daily volume of Priority Customer Regular Orders, in Penny and Non-Penny Pilot Symbols traded on the Exchange.

[4] A "MOFP" is an Electronic Access Member who has been appointed by a Mercury Market Maker pursuant to Section I, Table 4 of the ISE Mercury Fee Schedule.

[5] A "MAMM" is a Mercury Market Maker who has been appointed by an Electronic Access Member pursuant to Section I, Table 4 of the ISE Mercury Fee Schedule.

[6] *See* proposed ISE Mercury Fee Schedule, Preface.

[7] *See* proposed ISE Mercury Fee Schedule, Section 1, Table 4. Members should direct their emails designating a MAMM/MOFP to *bizdev@ise.com.*

[8] *See id.*

I, Table 4 of the ISE Mercury Fee Schedule, as described below, and are designed to increase opportunities for firms to qualify for the Exchange's MVP.[9]

ISE Mercury introduced the MVP fee and rebate tiers for Market Maker and Priority Customer[10] orders based on the average daily volume ("ADV") that a member executes in Priority Customer orders.[11] The Exchange assesses fees and rebates for Market Maker and Priority Customer orders based on five tiers of Total Affiliated Priority Customer ADV, as described in Table 4 of the Fee Schedule:[12] 0–19,999 contracts ("Tier 1"), 20,000–39,999 contracts ("Tier 2"), 40,000–59,999 contracts ("Tier 3"), 60,000–79,999 contracts ("Tier 4"), and 80,000 or more contracts ("Tier 5").[13] As is the case on ISE Mercury's affiliated exchanges—the International Securities Exchange, LLC ("ISE") and ISE Gemini, LLC ("ISE Gemini")—the Exchange's ADV calculation includes volume executed by affiliated members. In particular, the Exchange aggregates all eligible volume from affiliated members in determining applicable tiers, provided that there is at least 75% common ownership between the members as reflected on the member's Form BD, Schedule A. While this method of aggregating volume is beneficial to large firms with multiple affiliated members, the Exchange believed that it was also important to give smaller firms the ability to compete for more favorable fees and rebates.

The Exchange then adopted ADV tiers that are based on preferenced volume[14]—*i.e.*, volume directed to a specific Market Maker as provided in Supplementary Material .03 to Rule 713.[15] In particular, the Exchange gives Market Makers volume credit for 100% of eligible traded volume preferenced to that member,[16] regardless of the actual allocation that the Market Maker receives ("the Preferenced Volume Program."). For example, assume Market Maker ABC is quoting at the national best bid or offer ("NBBO") and receives a Preferenced Order for 10 contracts from an unaffiliated firm for the account of a Priority Customer. If there are other Market Makers quoting at the NBBO, Market Maker ABC may receive an allocation of 4 contracts—*i.e.*, 40% of the order. Rather than counting only the 4 contracts executed towards the Market Maker's volume total, the Exchange now proposes to give that Market Maker credit for the full 10 contracts preferenced to it. This is the same credit the member would receive if the 10 contracts were sent to the exchange by an affiliated member. The Exchange notes that even though Market Maker ABC receives full credit for all 10 contracts when executing 4 contracts, Market Makers that execute the remaining 6 contracts will still receive credit for those 6 contracts.

The proposed rule would replace the Preferenced Volume Program, but all other aspects of the MVP, including its five tiers of Total Affiliated Priority Customer ADV, will remain in effect. The Exchange proposes to modify its Fee Schedule to include the newly introduced concepts of a MOFP and MAMM. The proposal would be available to all MOFPs and MAMMs as defined in the Fee Schedule. Specifically, the proposed changes would enable any MOFP to qualify its MAMM for credits under the MVP. In this regard, the proposed change would enable a MAMM to enter a relationship with a MOFP and receive volume credit from that MOFP.[17] Thus, the proposed changes would (1) enable members that are not currently eligible for the MVP to avail themselves of the MVP and (2) assist firms that are currently eligible for the MVP to potentially achieve a higher MVP tier, thus qualifying for lower fees or higher rebates.

The Exchange believes these proposed changes would incentivize firms to direct their order flow to the Exchange to the benefit of all market participants. As proposed, the Exchange would only process one designation of a MOFP and MAMM every 6 months, which designation would remain in effect unless or until either party informs the Exchange of its termination.[18] The Exchange believes that this requirement would impose a measure of exclusivity and would enable MAMMs to rely upon the MOFP's transaction volume executed on the Exchange, which is beneficial to all Exchange participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[20] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposal is reasonable, equitable and not unfairly discriminatory for the following reasons. First, this rule filing is substantially similar NYSE MKT LLC's fee filing to modify NYSE Amex's Option Fee Schedule.[21] As such, the proposal would be available to all Electronic Access Members ("EAMs") and Market Makers. Additionally, the designations are completely voluntary and members may elect to accept this appointment or not. In addition, the proposed changes would enable firms that are not currently eligible for the MVP to avail themselves of the MVP as well as to assist firms that are currently eligible for the MVP to potentially achieve a higher MVP tier, thus qualifying for lower fees or higher rebates. The Exchange believes these proposed changes would incentivize firms to direct their order flow to the Exchange. Specifically, the proposed changes would enable any qualifying member (*i.e.* a MAMM) by virtue of designating a MOFP to aggregate its Priority Customer volume with that of the MOFP, which would enhance the MAMM's potential to qualify for lower fees or higher rebates under the MVP. The Exchange believes these proposed changes would incentivize MOFPs and

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[9] *See* proposed ISE Mercury Fee Schedule, Section 1, Table 4.

[10] A "Priority Customer" is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in ISE Mercury Rule 100(a)(37A).

[11] *See* Exchange Act Release No. 77409 (March 21, 2016), 81 FR 16240 (March 25, 2016) (SR–ISE Mercury–2016–05).

[12] The Total Affiliated Priority Customer ADV category includes all Priority Customer volume executed on the Exchange in all symbols and order types, including volume executed in the Price Improvement Mechanism, Facilitation, and Qualified Contingent Cross mechanisms.

[13] The highest tier threshold attained applies retroactively in a given month to all eligible traded contracts and applies to all eligible market participants. Any day that the market is not open for the entire trading day or the Exchange instructs members in writing to route their orders to other markets may be excluded from the ADV calculation; provided that the Exchange will only remove the day for members that would have a lower ADV with the day included.

[14] *See* Exchange Act release No. 77412 (March 21, 2016), 81 FR 16238 (March 25, 2016) (SR–ISE Mercury–2016–06).

[15] An EAM may designate a "Preferred Market Maker" on orders it enters into the System ("Preferenced Orders"). Supplementary Material .03 to Rule 713 describes the Exchange's rules concerning Preferenced Orders.

[16] "Eligible volume" refers to volume that would otherwise count towards to applicable volume tier. In the case of ADV thresholds based on Total Affiliated Priority Customer ADV, as currently implemented on ISE Mercury, all Priority Customer volume would be "eligible."

[17] The Market Maker (*i.e.*, MAMM) would still receive volume credit from its affiliates.

[18] A MOFP may not have more than one MAMM selected at any given time.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(4) and (5).

[21] Exchange Act Release No. 77370 (March 15, 2016), 81 FR 15136 (March 21, 2016) (SR–NYSEMKT–2016–35).

MAMMs to direct their order flow to the Exchange, which would increase orders routed to the Exchange and benefit all market participants by expanding liquidity, providing more trading opportunities and tighter spreads, including those market participants that opt not to become a MAMM and therefore may be ineligible to earn the credits under the MVP.

The proposal is also reasonable, equitable and not unfairly discriminatory because the Exchange would only process one designation of a MOFP and MAMM every 6 months, which requirement would impose a measure of exclusivity while allowing MAMM's to rely upon, and potentially increase, the MOFP's transaction volume executed on the Exchange to the benefit of all Exchange participants.

Finally, the Exchange believes the proposal is reasonable, equitable and not unfairly discriminatory as it may encourage an increase in orders routed to the Exchange, which would expand liquidity and provide more trading opportunities and tighter spreads to the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[22] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change will increase competition by allowing smaller Market Makers to compete for more favorable fees and rebates. As currently implemented, Market Makers that are affiliated with an order router are advantaged relative to other firms in achieving volume based fees and rebates. Although the Exchange continues to believe that counting volume across affiliated members is appropriate, a Market Maker that has a similar relationship, without common ownership, should be able to compete for and receive similar benefits. The proposed rule change is designed to level the playing field between these members and their competitors that already benefit from affiliated volume. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. For the reasons described above, the Exchange believes that the proposed fee change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[23] and subparagraph (f)(2) of Rule 19b–4 thereunder,[24] because it establishes a due, fee, or other charge imposed by ISE Mercury.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISEMercury–2016–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEMercury–2016–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISEMercury–2016–11, and should be submitted on or before June 10, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11881 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32115; File No. 812–14573]

Nationwide Mutual Funds, et al.; Notice of Application

May 16, 2016.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") granting an exemption from sections 18(f) and 21(b) of the Act; pursuant to section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; pursuant to sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and pursuant to section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

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[22] 15 U.S.C. 78f(b)(8).

[23] 15 U.S.C. 78s(b)(3)(A)(ii).

[24] 17 CFR 240.19b–4(f)(2).

[25] 17 CFR 200.30–3(a)(12).

SUMMARY OF THE APPLICATION: Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: Nationwide Mutual Funds ("NMF"), and Nationwide Variable Insurance Trust ("NVIT," and together with NMF, each a "Trust," and together, the "Trusts") and Nationwide Fund Advisors (the "Initial Adviser").

FILING DATES: The application was filed on October 29, 2015, and amended on April 6, 2016.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 10, 2016, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: 1000 Continental Drive, Suite 400, King of Prussia, PA 19406.

FOR FURTHER INFORMATION CONTACT: Jill Ehrlich, Senior Counsel, at (202) 551–6819 or David J. Marcinkus, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Each of NMF and NVIT is organized as a Delaware statutory trust. Each Trust consists of multiple series (each series, a "Fund," and together, the "Funds"). One series of NMF, the Nationwide Money Market Fund, and one series of NVIT, the NVIT Money Market Fund, operate as money market funds in reliance on rule 2a–7 under the Act. (The Nationwide Money Market Fund, the NVIT Money Market Fund, and any future Funds that rely on rule 2a–7 are the "Money Market Funds.") The Funds are registered with the Commission as open-end management investment companies. The Initial Adviser, a Delaware business trust, serves as investment adviser to the Funds, and is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act").[1]

2. At any particular time, while some Funds enter into repurchase agreements, or invest their cash balances in money market funds or other short-term instruments, other Funds may need to borrow money for temporary purposes to satisfy redemption requests, to cover unanticipated cash shortfalls such as a trade "fail" in which cash payment for a security sold by a Fund has been delayed, or for other temporary purposes. The Trusts currently are parties to a senior unsecured committed credit facility (as amended, modified, refinanced or replaced from time to time, the "Loan Agreement") that provides a line of credit to the participating Funds, and is furnished by a syndicate of banks, including the Funds' custodian.

3. Applicants state that, generally, when a Fund borrows money under the Loan Agreement, it pays interest on the loan at a rate that is typically higher than the rate that is earned by other (non-borrowing) Funds on investments in repurchase agreements, money market funds, and other short-term instruments of the same maturity as the bank loan. Applicants assert that this differential represents the profit earned by the lender on loans and is not attributable to any material difference in the credit quality or risk of such transactions.

4. The Trusts seek to enter into master interfund lending agreements ("Interfund Lending Agreements") with each other on behalf of the Funds that would permit each Fund to lend money directly to and borrow directly from other Funds through a credit facility for temporary purposes (an "Interfund Loan"). The Money Market Funds will not participate as borrowers in the interfund lending facility. Applicants state that the proposed credit facility is expected to both reduce the Funds' potential borrowing costs and enhance the ability of the lending Funds to earn higher rates of interest on their short-term lendings. Although the proposed credit facility would reduce the Funds' need to borrow from banks, the Funds would be free to establish and maintain committed lines of credit or other borrowing arrangements with unaffiliated banks.

5. Applicants anticipate that the proposed credit facility would provide a borrowing Fund with savings at times when the cash position of the borrowing Fund is insufficient to meet temporary cash requirements. This situation could arise when shareholder redemptions exceed anticipated volumes and certain Funds have insufficient cash on hand to satisfy such redemptions. When the Funds liquidate portfolio securities to meet redemption requests, they often do not receive payment in settlement for up to three days (or longer for certain foreign transactions). However, redemption requests normally are effected immediately. The proposed credit facility would provide a source of immediate, short-term liquidity pending settlement of the sale of portfolio securities.

6. Applicants also anticipate that a Fund could use the proposed credit facility when a sale of securities "fails" due to circumstances beyond the Fund's control, such as a delay in the delivery of cash to the Fund's custodian or improper delivery instructions by the broker effecting the transaction. "Sales fails" may present a cash shortfall if the Fund has undertaken to purchase a security using the proceeds from securities sold. Alternatively, the Fund could "fail" on its intended purchase due to lack of funds from the previous sale, resulting in additional cost to the Fund. Use of the proposed credit facility under these circumstances would enable the Fund to have access to immediate short-term liquidity.

7. While bank borrowings generally could supply needed cash to cover unanticipated redemptions and sales fails, under the proposed credit facility, a borrowing Fund would pay lower interest rates than those that would be payable under short-term loans offered by banks. In addition, Funds making

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[1] Applicants request that the relief also apply to any other open-end registered management investment company advised by the Initial Adviser or any entity controlling, controlled by, or under common control with the Initial Adviser (such entity included in the term "Adviser") that currently, or in the future, is part of the same "group of investment companies" as the Trusts, as defined in section 12(d)(1)(G)(ii) of the Act (included in the term "Trusts"). All entities that currently intend to rely on the requested order have been named as applicants. Any other entity that relies on the requested order in the future will comply with the terms and conditions set forth in the application. Any other Adviser will be registered as an investment adviser under the Advisers Act. All references to the term "Adviser" herein include successors-in-interest to the Adviser. Successors-in-interest are limited to any entity resulting from a reorganization of the Adviser into another jurisdiction or a change in the type of business organization.

short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or money market funds. Thus, applicants assert that the proposed credit facility would benefit both borrowing and lending Funds.

8. The interest rate to be charged to the Funds on any Interfund Loan (the "Interfund Loan Rate") would be the average of the "Repo Rate" and the "Bank Loan Rate," both as defined below. The Repo Rate for any day would be the highest or best (after giving effect to factors such as the credit quality of the counterparty) rate available to a lending Fund from investment in overnight repurchase agreements with counterparties approved by the Fund or its Adviser. The Bank Loan Rate for any day would be calculated by the Interfund Lending Committee, as defined below, each day an Interfund Loan is made according to a formula established by each Fund's board of trustees (the "Trustees") intended to approximate the lowest interest rate at which bank short-term loans would be available to the Funds. The formula would be based upon a publicly available rate (*e.g.,* federal funds plus 25 basis points) and would vary with this rate so as to reflect changing bank loan rates. The initial formula and any subsequent modifications to the formula would be subject to the approval of each Fund's Trustees. In addition, each Fund's Trustees would periodically review the continuing appropriateness of using the formula to determine the Bank Loan Rate, as well as the relationship between the Bank Loan Rate and current bank loan rates that would be available to the Funds.

9. Certain members of the Adviser's fund administration personnel and money market analysts (the "Interfund Lending Committee") will administer the credit facility. No portfolio manager of any Fund will serve as a member of the Interfund Lending Committee. On any day on which a Fund intends to borrow money, the Interfund Lending Committee would make an Interfund Loan from a lending Fund to a borrowing Fund only if the Interfund Loan Rate is: (i) More favorable to the lending Fund than the Repo Rate and, if applicable, the yield of any money market fund in which the lending Fund could otherwise invest, and (ii) more favorable to the borrowing Fund than the Bank Loan Rate.

10. Under the proposed credit facility, the portfolio managers for each participating Fund could provide standing instructions to participate daily as a borrower or lender; alternatively, the portfolio manager could provide instructions from time to time as to when the Fund wishes to participate as a borrower or lender. The Interfund Lending Committee on each business day would collect data on the uninvested cash and borrowing requirements of all participating Funds. Once it had determined the aggregate amount of cash available for loans and borrowing demand, the Interfund Lending Committee would allocate loans among borrowing Funds without any further communication from the portfolio managers of the Funds. Applicants anticipate that there typically will be far more available uninvested cash each day than borrowing demand. Therefore, after the Interfund Lending Committee has allocated cash for Interfund Loans, the Interfund Lending Committee will invest any remaining cash in accordance with the standing instructions of the portfolio managers or such remaining amounts will be invested directly by the portfolio managers of the Funds.

11. The Interfund Lending Committee would allocate borrowing demand and cash available for lending among the Funds on what the Interfund Lending Committee believes to be an equitable basis, subject to certain administrative procedures applicable to all Funds, such as the time of filing requests to participate, minimum loan lot sizes, and the need to minimize the number of transactions and associated administrative costs. To reduce transaction costs, each loan normally would be allocated in a manner intended to minimize the number of participants necessary to complete the loan transaction. The method of allocation and related administrative procedures would be approved by each Fund's Trustees, including a majority of Trustees who are not "interested persons" of the Fund, as that term is defined in section 2(a)(19) of the Act ("Independent Trustees"), to ensure that both borrowing and lending Funds participate on an equitable basis.

12. The Adviser would: (a) Monitor the Interfund Loan Rate and the other terms and conditions of the loans; (b) limit the borrowings and loans entered into by each Fund to ensure that they comply with the Fund's investment policies and limitations; (c) ensure equitable treatment of each Fund; and (d) make quarterly reports to the Trustees concerning any transactions by the Funds under the proposed credit facility and the Interfund Loan Rate charged.

13. The Adviser, through the Interfund Lending Committee, would administer the proposed credit facility as a disinterested fiduciary as part of its duties under the investment advisory agreement and administrative agreements with each Fund and would receive no additional fee as compensation for its services in connection with the administration of the proposed credit facility. The Adviser may collect standard pricing, record keeping, bookkeeping and accounting fees associated with the transfer of cash and/or securities in connection with repurchase and lending transactions generally, including transactions effected through the proposed credit facility. Such fees would be no higher than those applicable for comparable bank loan transactions.

14. No Fund may participate in the proposed credit facility unless: (a) The Fund has obtained shareholder approval for its participation, if such approval is required by law; (b) the Fund has fully disclosed all material information concerning the credit facility in its prospectus and/or statement of additional information; and (c) the Fund's participation in the credit facility is consistent with its investment objectives and limitations and organizational documents.

15. As part of the Trustees' review of the continuing appropriateness of a Fund's participation in the proposed credit facility as required by condition 14, the Trustees of the Fund, including a majority of the Independent Trustees, also will review the process in place to appropriately assess: (i) If the Fund participates as a lender, any effect its participation may have on the Fund's liquidity risk; and (ii) if the Fund participates as a borrower, whether the Fund's portfolio liquidity is sufficient to satisfy its obligations under the facility along with its other liquidity needs.

16. In connection with the credit facility, applicants request an order under section 6(c) of the Act exempting them from the provisions of sections 18(f) and 21(b) of the Act; under section 12(d)(1)(J) of the Act exempting them from section 12(d)(1) of the Act; under sections 6(c) and 17(b) of the Act exempting them from sections 17(a)(1), 17(a)(2), and 17(a)(3) of the Act; and under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

Applicants' Legal Analysis

1. Section 17(a)(3) of the Act generally prohibits any affiliated person of a registered investment company, or affiliated person of an affiliated person, from borrowing money or other property from the registered investment company. Section 21(b) of the Act generally prohibits any registered

management company from lending money or other property to any person, directly or indirectly, if that person controls or is under common control with that company. Section 2(a)(3)(C) of the Act defines an "affiliated person" of another person, in part, to be any person directly or indirectly controlling, controlled by, or under common control with, such other person. Section 2(a)(9) of the Act defines "control" as the "power to exercise a controlling influence over the management or policies of a company," but excludes circumstances in which "such power is solely the result of an official position with such company." Applicants state that the Funds may be under common control by virtue of having common investment advisers and/or by having common Trustees and officers.

2. Section 6(c) of the Act provides that an exemptive order may be granted where an exemption is "necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of [the Act]." Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) provided that the terms of the transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policy of the investment company as recited in its registration statement and with the general purposes of the Act. Applicants believe that the proposed arrangements satisfy these standards for the reasons discussed below.

3. Applicants assert that sections 17(a)(3) and 21(b) of the Act were intended to prevent a party with strong potential adverse interests to, and some influence over the investment decisions of, a registered investment company from causing or inducing the investment company to engage in lending transactions that unfairly inure to the benefit of such party and that are detrimental to the best interests of the investment company and its shareholders. Applicants assert that the proposed credit facility transactions do not raise these concerns because: (a) The Adviser, through the Interfund Lending Committee, would administer the program as a disinterested fiduciary as part of its duties under the investment advisory agreement and administrative agreements with each Fund; (b) all Interfund Loans would consist only of uninvested cash reserves that the lending Fund otherwise would invest in short-term repurchase agreements or other short-term instruments either directly or through a money market fund; (c) the Interfund Loans would not involve a significantly greater risk than such other investments; (d) the lending Fund would receive interest at a rate higher than it could otherwise obtain through such other investments; and (e) the borrowing Fund would pay interest at a rate lower than otherwise available to it under its bank loan agreements and avoid some up-front commitment fees associated with committed lines of credit. Moreover, applicants assert that the other terms and conditions that applicants propose also would effectively preclude the possibility of any Fund obtaining an undue advantage over any other Fund.

4. Section 17(a)(1) of the Act generally prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling securities or other property to the investment company. Section 17(a)(2) of the Act generally prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from purchasing securities or other property from the investment company. Section 12(d)(1) of the Act generally prohibits a registered investment company from purchasing or otherwise acquiring any security issued by any other investment company except in accordance with the limitations set forth in that section.

5. Applicants state that the obligation of a borrowing Fund to repay an Interfund Loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1). Applicants also state that any pledge of assets in connection with an Interfund Loan could be construed as a purchase of the borrowing Fund's securities or other property for purposes of section 17(a)(2) of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt persons or transactions from any provision of section 12(d)(1) if and to the extent that such exemption is consistent with the public interest and the protection of investors. Applicants submit that the requested exemptions from sections 17(a)(1), 17(a)(2) and 12(d)(1) are appropriate in the public interest, and consistent with the protection of investors and policies and purposes of the Act for all the reasons set forth above in support of their request for relief from sections 17(a)(3) and 21(b). Applicants also state that the requested relief from section 17(a)(2) of the Act meets the standards of section 6(c) and 17(b) because any collateral pledged to secure an Interfund Loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).

6. Applicants state that section 12(d)(1) was intended to prevent the pyramiding of investment companies in order to avoid imposing on investors additional and duplicative costs and fees attendant upon multiple layers of investments. Applicants submit that the proposed credit facility does not involve these abuses. Applicants note that there will be no duplicative costs or fees to the Funds or their shareholders, and that the Adviser will receive no additional compensation for its services in administering the credit facility. Applicants also note that the purpose of the proposed credit facility is to provide economic benefits for all the participating Funds and their shareholders.

7. Section 18(f)(1) of the Act prohibits open-end investment companies from issuing any senior security except that a company is permitted to borrow from any bank, provided, that immediately after the borrowing, there is asset coverage of at least 300 per centum for all borrowings of the company. Under section 18(g) of the Act, the term "senior security" generally includes any bond, debenture, note or similar obligation or instrument constituting a security and evidencing indebtedness. Applicants request exemptive relief under section 6(c) from section 18(f)(1) only to the limited extent necessary to permit a Fund to lend to or borrow directly from other Funds. The Funds would remain subject to the requirement of section 18(f)(l) that all borrowings of a Fund, including combined interfund and bank borrowings, have at least 300% asset coverage. Based on the conditions and safeguards described in the application, applicants submit that to allow the Funds to borrow directly from other Funds pursuant to the proposed credit facility is consistent with the purposes and policies of section 18(f)(l).

8. Section 17(d) of the Act and rule 17d–1 under the Act generally prohibit an affiliated person of a registered investment company, or any affiliated person of such a person, when acting as principal, from effecting any joint transaction in which the investment company participates, unless, upon application, the transaction has been approved by the Commission. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise on the basis proposed is

consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

9. Applicants assert that the purpose of section 17(d) is to avoid overreaching by and unfair advantage to insiders. Applicants assert that the proposed credit facility is consistent with the provisions, policies and purposes of the Act in that it offers both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and their shareholders. Applicants note that each Fund would have an equal opportunity to borrow and lend on equal terms consistent with its investment policies and fundamental investment limitations. Applicants assert that each Fund's participation in the proposed credit facility would be on terms that are no different from or less advantageous than that of other participating Funds.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Interfund Loan Rate will be the average of the Repo Rate and the Bank Loan Rate.

2. On each business day when an Interfund Loan is to be made, the Interfund Lending Committee will compare the Bank Loan Rate with the Repo Rate and will make cash available for Interfund Loans only if the Interfund Loan Rate is: (a) More favorable to the lending Fund than the Repo Rate and, if applicable, the yield of any money market fund in which the lending Fund could otherwise invest; and (b) more favorable to the borrowing Fund than the Bank Loan Rate.

3. If a Fund has outstanding bank borrowings, any Interfund Loans to the Fund: (a) Will be at an interest rate equal to or lower than the interest rate of any outstanding bank loan; (b) will be secured at least on an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding bank loan that requires collateral; (c) will have a maturity no longer than any outstanding bank loan (and in any event not over seven days); and (d) will provide that, if an event of default by the Fund occurs under any agreement evidencing an outstanding bank loan to the Fund, that event of default will automatically (without need for action or notice by the lending Fund) constitute an immediate event of default under the Interfund Lending Agreement entitling the lending Fund to call the Interfund Loan (and exercise all rights with respect to any collateral) and that such call will be made if the lending bank exercises its right to call its loan under its agreement with the borrowing Fund.

4. A Fund may make an unsecured borrowing through the proposed credit facility if its outstanding borrowings from all sources immediately after the interfund borrowing total 10% or less of its total assets, provided that if the Fund has a secured loan outstanding from any other lender, including but not limited to another Fund, the Fund's interfund borrowing will be secured on at least an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding loan that requires collateral. If a Fund's total outstanding borrowings immediately after an interfund borrowing would be greater than 10% of its total assets, the Fund may borrow through the proposed credit facility only on a secured basis. A Fund may not borrow through the proposed credit facility or from any other source if its total outstanding borrowings immediately after such borrowing would be more than 33⅓% of its total assets.

5. Before any Fund that has outstanding interfund borrowings may, through additional borrowings, cause its outstanding borrowings from all sources to exceed 10% of its total assets, the Fund must first secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan. If the total outstanding borrowings of a Fund with outstanding Interfund Loans exceed 10% of its total assets for any other reason (such as a decline in net asset value or because of shareholder redemptions), the Fund will within one business day thereafter: (a) Repay all of its outstanding Interfund Loans; (b) reduce its outstanding indebtedness to 10% or less of its total assets; or (c) secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan until the Fund's total outstanding borrowings cease to exceed 10% of its total assets, at which time the collateral called for by this condition 5 shall no longer be required. Until each Interfund Loan that is outstanding at any time that a Fund's total outstanding borrowings exceed 10% is repaid or the Fund's total outstanding borrowings cease to exceed 10% of its total assets, the Fund will mark the value of the collateral to market each day and will pledge such additional collateral as is necessary to maintain the market value of the collateral that secures each outstanding Interfund Loan at least equal to 102% of the outstanding principal value of the Interfund Loan.

6. No Fund may lend to another Fund through the proposed credit facility if the loan would cause its aggregate outstanding loans through the proposed credit facility to exceed 15% of the lending Fund's current net assets at the time of the loan.

7. A Fund's Interfund Loans to any one Fund shall not exceed 5% of the lending Fund's net assets.

8. The duration of Interfund Loans will be limited to the time required to obtain cash sufficient to repay such Interfund Loan, through either the sale of portfolio securities or the net sales of the Fund's shares, but in no event more than seven days. Loans effected within seven days of each other will be treated as separate loan transactions for purposes of this condition.

9. A Fund's borrowings through the proposed credit facility, as measured on the day when the most recent loan was made, will not exceed the greater of 125% of the Fund's total net cash redemptions for the preceding seven calendar days or 102% of the Fund's sales fails for the preceding seven calendar days.

10. Each Interfund Loan may be called on one business day's notice by a lending Fund and may be repaid on any day by a borrowing Fund.

11. A Fund's participation in the proposed credit facility must be consistent with its investment objectives and limitations and organizational documents.

12. The Interfund Lending Committee will calculate total Fund borrowing and lending demand through the proposed credit facility, and allocate loans on an equitable basis among the Funds, without the intervention of any portfolio manager. The Interfund Lending Committee will not solicit cash for the proposed credit facility from any Fund or prospectively publish or disseminate loan demand data to portfolio managers. The Interfund Lending Committee will invest any amounts remaining after satisfaction of borrowing demand in accordance with the standing instructions of the portfolio managers or such remaining amounts will be invested directly by the portfolio managers of the Funds.

13. The Interfund Lending Committee will monitor the Interfund Loan Rate and the other terms and conditions of the Interfund Loans and will make a quarterly report to the Trustees of each Fund concerning the participation of the Funds in the proposed credit facility and the terms and other conditions of any extensions of credit under the credit facility.

14. The Trustees of each Fund, including a majority of the Independent Trustees, will:

(a) Review, no less frequently than quarterly, the Fund's participation in the proposed credit facility during the preceding quarter for compliance with the conditions of any order permitting such transactions;

(b) establish the Bank Loan Rate formula used to determine the interest rate on Interfund Loans and review, no less frequently than annually, the continuing appropriateness of the Bank Loan Rate formula; and

(c) review, no less frequently than annually, the continuing appropriateness of the Fund's participation in the proposed credit facility.

15. In the event an Interfund Loan is not paid according to its terms and such default is not cured within two business days from its maturity or from the time the lending Fund makes a demand for payment under the provisions of the Interfund Lending Agreement, the Adviser will promptly refer such loan for arbitration to an independent arbitrator selected by the Trustees of each Fund involved in the loan who will serve as arbitrator of disputes concerning Interfund Loans.[2] The arbitrator will resolve any problem promptly, and the arbitrator's decision will be binding on both Funds. The arbitrator will submit, at least annually, a written report to the Trustees setting forth a description of the nature of any dispute and the actions taken by the Funds to resolve the dispute.

16. Each Fund will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any transaction by it under the proposed credit facility occurred, the first two years in an easily accessible place, written records of all such transactions setting forth a description of the terms of the transactions, including the amount, the maturity and the Interfund Loan Rate, the rate of interest available at the time each Interfund Loan is made on overnight repurchase agreements and commercial bank borrowings, the yield of any money market fund in which the lending Fund could otherwise invest, and such other information presented to the Fund's Trustees in connection with the review required by conditions 13 and 14.

17. The Adviser will prepare and submit to the Trustees for review an initial report describing the operations of the proposed credit facility and the procedures to be implemented to ensure that all Funds are treated fairly. After the commencement of the proposed credit facility, the Adviser will report on the operations of the proposed credit facility at the Trustees' quarterly meetings.

Each Fund's chief compliance officer, as defined in rule 38a–1(a)(4) under the Act, shall prepare an annual report for its Trustees each year that the Fund participates in the proposed credit facility, that evaluates the Fund's compliance with the terms and conditions of the application and the procedures established to achieve such compliance. Each Fund's chief compliance officer will also annually file a certification pursuant to Item 77Q3 of Form N–SAR as such Form may be revised, amended or superseded from time to time, for each year that the Fund participates in the proposed credit facility, that certifies that the Fund and the Adviser have established procedures reasonably designed to achieve compliance with the terms and conditions of the order. In particular, such certification will address procedures designed to achieve the following objectives:

(a) That the Interfund Loan Rate will be higher than the Repo Rate, and, if applicable, the yield of any money market fund in which the lending Fund could otherwise invest, but lower than the Bank Loan Rate;

(b) compliance with the collateral requirements as set forth in the application;

(c) compliance with the percentage limitations on interfund borrowing and lending;

(d) allocation of interfund borrowing and lending demand in an equitable manner and in accordance with procedures established by the Trustees; and

(e) that the Interfund Loan Rate does not exceed the interest rate on any third party borrowings of a borrowing Fund at the time of the Interfund Loan.

Additionally, each Fund's independent public accountants, in connection with their audit examination of the Fund, will review the operation of the proposed credit facility for compliance with the conditions of the application and their review will form the basis, in part, of the auditor's report on internal accounting controls in Form N–SAR.

18. No Fund will participate in the proposed credit facility upon receipt of requisite regulatory approval unless it has fully disclosed in its prospectus and/or statement of additional information all material facts about its intended participation.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11873 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Industry Guides, SEC File No. 270–069, OMB Control No. 3235–0069.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this requests for extension of the previously approved collections of information discussed below.

Industries Guides are used by registrants in certain industries as disclosure guidelines to be followed in presenting information to investors in registration statements and reports under the Securities Act (15 U.S.C. 77a *et seq.*) and Exchange Act (15 U.S.C. 78a *et seq.*). The paperwork burden from the Industry Guides is imposed through the forms that are subject to the disclosure requirements in the Industry Guides and is reflected in the analysis of these documents. To avoid a Paperwork Reduction Act inventory reflecting duplicative burdens and for administrative convenience, the Commission estimates the total annual burden imposed by the Industry Guides to be one hour. The information required by the Industry Guides is filed on occasion and is mandatory. All information is provided to the public. The Industry Guides do not directly impose any disclosure burden.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the

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[2] If the dispute involves Funds with different Trustees, the respective Trustees of each Fund will select an independent arbitrator that is satisfactory to each Fund.

Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: May 16, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11874 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77836; File No. SR–NYSEMKT–2016–53]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Definition of Professional Customer in Rule 900.2NY(18A)

May 16, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 3, 2016, NYSE MKT LLC (the "Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the definition of Professional Customer in Rule 900.2NY(18A) to specify the manner in which the Exchange calculates average daily order submissions for purposes of counting Professional Customer orders. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the definition of Professional Customer in Rule 900.2NY(18A) to adopt a methodology for counting average daily order submissions in listed options to determine whether a person or entity meets the definition of a Professional Customer ("Professional Customer order counting"). The proposed rule change is designed to harmonize Professional Customer order counting with the recently adopted rules of competing options exchanges—specifically the Chicago Board of Options Exchange, Inc. ("CBOE") and NASDAQ OMX PHLX LLC ("PHLX").[4]

Rule 900.2NY(18A) defines Professional Customer "as an individual or organization that (i) is not a Broker/Dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s)." The Exchange believes that identifying Professional Customer accounts based upon the average number of orders entered in qualified accounts is an appropriate, objective approach that will reasonably distinguish such persons and entities from non-professional, retail investors or market participants.[5] In order to properly represent orders entered on the Exchange, ATP Holders are required to indicate whether Customer orders are "Professional Customer" orders.[6] To comply with this requirement, member organizations are required to review their Customers' activity on at least a quarterly basis to determine whether orders that are not for the account of a broker-dealer should be represented as Customer orders or Professional Customer orders.[7]

The advent of new multi-leg spread products and the proliferation of the use of complex orders and algorithmic execution strategies by both institutional and retail market participants has raised questions as to what should be counted as an "order" for Professional Customer order counting purposes. The proposed changes would specifically address the counting of multi-leg spread products, algorithm generated orders, and complex orders for purposes of determining Professional Customer status. In addition, the proposal is intended to provide guidance regarding the methodology used by the Exchange when calculating average daily orders for Professional order counting purposes.[8]

As proposed, the rule would provide that an order would count as one order for Professional Customer counting purposes, unless one of the exceptions enumerated in the proposed rule stipulates otherwise (each an "Exception"). The first Exception relates to the treatment of complex orders for purposes of computing orders for Professional order counting purposes. Specifically, the proposed rule provides that a complex order of eight legs or less would count as one order, whereas a complex order comprised of nine (9) option legs or more counts as multiple orders with each option leg counting as its own separate order.[9] The Exchange believes the distinction between complex orders with up to eight legs from those with nine or more legs is appropriate in light of the purposes for which Rule 900.2NY(18A) was adopted. In particular, the Exchange notes that multi-leg complex order strategies with nine or more legs are more complex in nature and thus, more likely to be used by professional traders than traditional two, three, and four leg complex order strategies such as the strangle, straddle, butterfly, collar, and condor strategies, and combinations thereof with eight legs or fewer, which are generally not algorithmically generated and are frequently used by non-professional, retail investors. Thus, the types of complex orders traditionally placed by retail investors would continue to count as only one order while the more complex strategy orders that are typically used by professional traders would count as multiple orders for Professional Customer order counting purposes.[10]

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release Nos. 77450 (March 25, 2016), 81 FR 18668, (March 31, 2016) (SR–CBOE–2016–005); 77449 (March 25, 2016), 81 FR 18665, (March 31, 2016) (SR–Phlx–2016–10) (approval orders). The Exchange notes that it recently issued guidance regarding Professional Customer order counting. *See e.g.,* NYSE Arca, Inc.'s and NYSE MKT LLC's Joint Regulatory Bulletin (RBO–15–03 and RBO–15–06, respectively) dated September 9, 2015. This proposal codifies that guidance in a manner that is consistent with CBOE and PHLX's approved rules.

[5] *See, e.g.,* Securities Exchange Act Release No. 73665 (November 21, 2014), 79 FR 70907, 70908 (November 21, 2014) (SR–NYSEArca–2014–133) (adopting professional customer definition on immediately effective basis, citing rules of various exchanges, including Rule 900.2NY(18A)).

[6] *See e.g.,* Rule 957NY (Reporting Duties), Commentary .02 (requiring that manual orders submitted be marked with an origin code "PC.").

[7] Orders for any customer that had an average of more than 390 orders per day during any month of a calendar quarter must be represented as Professional Customer orders for the next calendar quarter. ATP Holders would be required to conduct a quarterly review and make any appropriate changes to the way in which they are representing orders within five business days after the end of each calendar quarter. While members only would be required to review their accounts on a quarterly basis, if during a quarter the Exchange identifies a customer for which orders are being represented as Customer orders but that has averaged more than 390 orders per day during a month, the Exchange would notify the ATP Holder would be required to change the manner in which it is representing the customer's orders within five business days.

[8] This proposal is consistent with CBOE and PHLX's approved rules. *See supra* n. 4.

The second Exception relates to calculations for parent/child orders. As proposed, if a parent order submitted for the beneficial account(s) of a person or entity other than a broker or dealer is subsequently broken up into multiple child orders on the *same side* (buy/sell) *and series* by a broker or dealer, or by an algorithm housed at the broker or dealer, or by an algorithm licensed from the broker or dealer but housed with the customer, then the order would count as one order even if the child orders are routed across several exchanges.[11] The Exchange believes this proposed change would allow the orders of public customers to be "worked" by a broker (or a broker's algorithm) in order to achieve best execution without counting the multiple child orders as separate orders for Professional Customer order counting purposes. Conversely, if a parent order, including a strategy order,[12] is broken into multiple child orders on *both sides* (buy/sell) of a series and/or multiple series, then each child order would count as a *separate* new order per side and series.[13] This proposed change would allow the Exchange, for Professional Customer order counting purposes, to count as multiple orders those "child" orders of "parent" orders generated by algorithms that are typically used by sophisticated traders to continuously update their orders in concert with market updates in order to keep their overall trading strategies in balance.

The third Exception would govern the counting methodology for cancel/replace orders. As proposed, any order that cancels and replaces an existing order would count as a *separate* order (or multiple orders in the case of complex orders of nine legs or more) for Professional Customer order counting purposes.[14] However, the Exchange proposes that an order to cancel and replace a child order would *not* count as a new order if the parent order that was placed for the beneficial account(s) of a non-broker or dealer had been subsequently broken into multiple child orders on the same side and series as the parent order by a broker or dealer, algorithm at a broker or dealer, or algorithm licensed from a broker or dealer but housed at the customer.[15] By contrast, the Exchange proposes that an order that cancels and replaces a child order resulting from a parent order, including a strategy order, that generated child orders on both sides (buy/sell) of a series and/or in multiple series would count as a new order per side and series ("Both Sides/Multiple Series").[16] Finally, the Exchange proposes that, notwithstanding the treatment of a cancel/replace relating to Both Sides/Multiple Series orders, an order that cancels and replaces any child order resulting from a parent order being pegged to the Exchange's best bid or offer ("BBO") or the national best bid or offer ("NBBO") or that cancels and replaces any child order pursuant to an algorithm that uses the BBO or NBBO in the calculation of child orders and attempts to move with or follow the BBO or NBBO of a particular options series would count as a new order each time the order cancels and replaces in order to attempt to move with or follow the BBO or NBBO.[17]

Implementation

The Exchange proposes to implement the rule on July 1, 2016, which would be announced via Trader Update.

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Act,[18] in general, and furthers the objectives of Section 6(b)(5),[19] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposal is designed to adopt a reasonable and objective approach to determine Professional Customer status that is consistent with the approach being utilized on other options exchanges, which benefits market participants by providing consistency across exchanges regarding the Professional Customer order counting.[20] In this regard, the Exchange believes that codifying the manner in which the Exchange would conduct Professional Customer order counting would provide ATP Holders with certainty and provide them with insight as they conduct their own quarterly reviews for purposes of designating orders.

The Exchange notes that it is not amending the threshold of 390 orders in listed options per day but, consisting with other exchanges is revising the method for counting Professional Customer orders in the context of multi-part orders and cancel/replace activity. In short, the proposal addresses how to account for complex orders, parent/child orders, and cancel/replace orders. The Exchange believes that distinguishing between complex orders with 9 or more options legs and those orders with 8 or fewer options legs is a reasonable and objective approach. In addition, the Exchange believes the proposal appropriately distinguishes between parent/child orders that are generated by a broker's efforts to obtain an execution on a larger size order while minimizing market impact and multi-part orders that used by more sophisticated market participants. Similarly, the Exchange believes that the proposal that cancel/replace orders would count as separate orders with limited exceptions is a reasonable and objective approach to distinguish the orders of retail customers that are "worked" by a broker from orders generated by algorithms used by more sophisticated market participants.

Thus, the Exchange believes the proposal, which establishes an objective methodology for counting average daily order submissions for Professional

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[9] *See* proposed Rule 900.2NY(18A)(A)(1)(i)–(ii).

[10] *See also supra* n. 4.

[11] *See* proposed Rule 900.2NY(18A)(A)(2)(i).

[12] The term "strategy order" refers to an execution strategy, trading instruction, or algorithm whereby multiple "child" orders on both sides of a series and/or multiple series are generated prior to being sent to an options exchange(s).

[13] *See* proposed Rule 900.2NY(18A)(A)(2)(ii).

[14] *See* proposed Rule 900.2NY(18A)(A)(3)(i).

[15] *See* proposed Rule 900.2NY(18A)(A)(3)(ii).

[16] *See* proposed Rule 900.2NY(18A)(A)(3)(iii).

[17] *See* proposed Rule 900.2NY(18A)(A)(3)(iv).

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *See supra* n. 4.

Customer order counting purposes, is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposed rule change is a competitive change that is substantially similar to recent rule changes filed by the CBOE and PHLX.[21]

The Exchange notes that one of the purposes of the Professional Customer designation is to help ensure fairness in the marketplace and promote competition among all market participants. The Exchange believes that this proposal would help establish more competition among market participants and promote the purposes for which the Exchange's Professional Customer rule was originally adopted. Moreover, the proposal would stem ensure consistency and stem potential confusion as to the manner in which options exchanges compute the Professional Customer order volume.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[22] and Rule 19b–4(f)(6) thereunder.[23] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–NYSEMKT–2016–53 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NYSEMKT–2016–53. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEMKT–2016–53, and should be submitted on or before June 10, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11877 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77840; File No. SR–FICC–2016–002]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing To Suspend the Interbank Service of the GCF Repo® Service

May 16, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 5, 2016, the Fixed Income Clearing Corporation ("FICC" or the "Corporation") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by FICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of this filing is to suspend the interbank service of the GCF Repo® service, as described more fully below. The proposed suspension does not require changes to the text of the Government Securities Division ("GSD") Rulebook (the "GSD Rules"),[3] however, changes will occur within FICC's Real-Time Trade Matching ("RTTM®") system to effectuate this change.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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[21] *See id.*

[22] 15 U.S.C. 78s(b)(3)(A)(iii).

[23] 17 CFR 240.19b–4(f)(6).

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The GSD Rulebook is available at DTCC's Web site, *www.dtcc.com/legal/rules-and-procedures.aspx*.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

i. Reasons for Adopting the Proposed Rule Change

The GCF Repo service allows GSD dealer members (hereinafter "GCF Repo Participants") who choose to participate in the service to trade general collateral repos throughout the day without requiring intra-day, trade-for-trade settlement on a delivery-versus-payment basis.[4] The service allows the GCF Repo Participants to trade such general collateral repos, based on rate and term, throughout the day with inter-dealer brokers on a blind basis. Standardized, generic CUSIP numbers have been established exclusively for GCF Repo processing and are used to specify the acceptable type of underlying Fedwire book-entry eligible collateral, which includes Treasuries, Agencies and certain mortgage-backed securities.

The GCF Repo service currently operates on an interbank basis and on an intrabank basis. "Interbank" means that the two GCF Repo Participants which have been matched in a GCF Repo transaction each clear at a different clearing bank. "Intrabank" means that the two GCF Repo Participants which have been matched in a GCF Repo transaction clear at the same clearing bank.

Since 2011, FICC has been committed to working with its clearing banks, JP Morgan Chase and The Bank of New York Mellon (together hereinafter referred to as the "Clearing Banks"), to make changes to its GCF Repo service in order to comply with the recommendations that had been made by the Tri-Party Repo Infrastructure Reform Task Force ("TPR"),[5] an industry group formed and sponsored by the Federal Reserve Bank of New York.[6] Because the GCF Repo service operates as a triparty mechanism, FICC was requested to incorporate changes to the GCF Repo service to align the service with other TPR recommended changes for the overall triparty market.

The main purpose of the TPR was to develop recommendations to address the risk presented by triparty repo transactions due to the morning reversal (commonly referred to as the "unwind") process and to move to a process by which transactions are collateralized all day. By way of background, the GCF Repo service was originally designed to have transactions "unwind" every morning in order to mirror the transactions in the triparty repo market. Prior to Triparty Reform, transactions submitted on "Day 1" unwound on the morning of "Day 2." To "unwind" means that the securities are returned to the lender of securities in the transaction and the cash is returned to the borrower of securities.

Because of certain changes to the way in which the Triparty Reform effort was to proceed and the impact of such changes on the interbank service of the GCF Repo service as further described below, FICC is proposing to suspend the interbank service of the GCF Repo service. The intrabank service will continue to operate as it does today.

ii. The Situation That the Proposed Rule Change Is Intended To Address and the Manner in Which the Proposed Rule Change Will Operate To Resolve It

By way of background, all collateral that is settled via the interbank service is unwound the next morning to FICC's account at the pledging Clearing Bank in order to make the collateral available for collateral substitutions. In order to facilitate this intraday collateral substitution process, the Clearing Banks currently extend credit each business day to FICC at no charge. This uncapped and uncommitted credit extension to FICC facilitates the GCF Repo settlement process for both the intra-day and end of day settlement. The final changes related to the Triparty Reform effort would have eliminated the need for uncapped and uncommitted credit (a TPR goal) by including the development of interactive messages for the collateral substitution process (this was referred to as the "Sub Hub"), which would have eliminated the need for the current morning unwind of interbank GCF Repo and would have allowed for substitution of collateral across the Clearing Banks with minimal intra-day credit required. The last change was also going to include a streamlined end of day GCF Repo settlement process to reduce the amount of cash and collateral needed in order to complete settlement. This change would have incorporated the concept of a "cap" on FICC credit from the Clearing Banks and an automated solution would have been developed to process the interbank GCF Repo settlement without breaching the defined and agreed to caps. This means that the amount of credit that FICC would have required from the Clearing Banks would have been managed to a minimal amount.

FICC was advised by one of the Clearing Banks that the Sub Hub has been determined not to be feasible and that FICC would instead require a capped line of credit which would be applicable to the current interbank service (without the benefits of any re-design to manage the amounts of needed credit). In other words, this new proposed capped line of credit would be applied to the interbank service as the service currently operates and not in the re-designed fashion that was contemplated by the Triparty Reform effort, which would have allowed for smaller settlement amounts.

FICC and several GCF Repo Participants considered the feasibility of a cap on the current structure of the interbank service of the GCF Repo service without the Sub Hub functionality and without the re-design of the interbank service to allow for manageable caps. FICC and such GCF Repo Participants determined that there would be significant operational constraints in attempting to trade and settle GCF Repo while attempting to implement a cap on interbank GCF Repo trading and settlement. Specifically, the inter-dealer brokers would need to be integrated as a group from a technological perspective in order to be able to track the GCF Repo Participants' real-time netted positions, from an intrabank and interbank perspective, to ensure that the cap is not breached; this would require an integrated pre-trade check across each inter-dealer broker's platform and FICC to ensure conformity to the cap.

Because FICC cannot operate the current interbank service within a capped credit amount as proposed by the one of the Clearing Banks with the current settlement process at the Clearing Banks and because it is not feasible to institute a pre-trade validation system as discussed above, FICC will no longer operate the interbank service of the GCF Repo service after July 15, 2016 (the "Suspension Date"), which is approximately six (6) weeks prior to the date that the Clearing Bank has stated it will begin to impose the capped line of credit (September 1, 2016 or the "Capped Charges Date"). Subsequent to the Suspension Date, inter-dealer brokers will only be permitted to execute transactions among GCF Repo Participants within the same Clearing Bank. Inter-dealer brokers will establish two markets for GCF Repo trading—one for each Clearing Bank. This is the same approach that was utilized when the interbank service was previously suspended between 2003 and 2008.[7] In addition, GSD will only accept and process transactions among GCF Repo Participants that settle within the same Clearing Bank. As a result, the RTTM® system will not accept and process transactions among GCF Repo Participants who settle at different Clearing Banks. FICC will continue to explore whether there are other ways in which the interbank service might be re-introduced in the future.

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[4] Securities Exchange Act Release No. 34–57652 (April 11, 2008), 73 FR 20999 (April 17, 2008) (SR–FICC–2007–08).

[5] Information about the Federal Reserve's Tri-Party Repo Infrastructure Reform is available via *http://www.newyorkfed.org/banking/tpr_infr_reform.html.*

[6] The TPR's effort shall hereinafter be referred to as "Triparty Reform."

iii. The Manner in Which the Proposed Rule Change Will Affect GSD Netting Members

GCF Repo Participants will be affected by the suspension of the interbank service in that, after the Suspension Date, these Members will only be matched with GCF Repo Participants who clear at their Clearing Bank. This may limit the potential number of counterparties available to GCF Repo Participants and for some GCF Repo Participants this limitation may significantly reduce the benefits of the GCF Repo service.

Currently, one Clearing Bank has more GCF Repo Participants than the other Clearing Bank. Thus, GCF Repo Participants who clear at the Clearing Bank with the least number of GCF Repo Participants will have a limited number of GCF Repo counterparties with which they are able to transact. This limitation may result in a less liquid market for GCF Repo Participants within that particular Clearing Bank. The GCF Repo Participants at the other Clearing Bank may not experience this limitation since they will have more GCF Repo counterparties available to them.

The fact that interbank settlement currently occurs on a daily basis suggests that GCF Repo Participants benefit from their ability to borrow money from GCF Repo counterparties on an interbank basis. Once this option no longer exists, financing needs may be absorbed within the intrabank GCF Repo market or, it may shift to the delivery-versus-payment ("DVP") or triparty repo markets. It is also possible that the number of GCF Repo Participants may decrease depending upon each Participant's ability to access alternative funding sources and the assets that such Participants are looking to finance. For example, U.S. Treasuries and Agencies may be more easily financed in the DVP repo market, however, Agency mortgage-backed securities ("MBS") are not as easily financed via the DVP repo market. Thus, GCF Repo Participants with portfolios comprised of Agency mortgage-backed securities may have fewer financing options due to the suspension of the interbank service.

iv. Any Significant Problems Known to FICC That Netting Members Are Likely To Have in Complying With the Proposed Rule Change

FICC does not believe that GCF Repo Participants will have problems in complying with the suspension of the interbank service because of the nature of the GCF Repo Service. Specifically, because the service is conducted through the inter-dealer brokers on a blind basis, the brokers will not match dealers from different Clearing Banks after the Suspension Date.

v. Detailed Description of the Proposed Rule Changes in Exhibit 5

No changes to the text of the GSD Rules are required to implement the suspension of the interbank service.

2. Statutory Basis

Pursuant to Section 17A(b)(3)(F) of the Act, GSD's Rules must be designed to promote the prompt and accurate clearance and settlement of securities transactions.[8] FICC is proposing to suspend the interbank service of the GCF Repo service because FICC cannot operate the current interbank service within a capped credit amount as described above. Because the Clearing Bank has stated that it will not provide credit to FICC to complete interbank settlement above the capped amount after the Capped Charges Date, FICC will not be able to complete settlement of the interbank service. Therefore, in order to continue to promote the prompt and accurate clearance and settlement of securities transactions, FICC is proposing to suspend the interbank service.

(B) Clearing Agency's Statement on Burden on Competition

The suspension of the interbank service could have an impact on competition based on the fact that GCF Repo Participants will only be matched in GCF Repo transactions with other Members that clear at the same Clearing Bank. This may limit the number of potential counterparties for the Members. Currently, one Clearing Bank has more GCF Repo Participants than the other Clearing Bank. Thus, GCF Repo Participants who clear at the Clearing Bank with the least number of GCF Repo Participants will have a limited number of GCF Repo counterparties. This limitation may result in a less liquid market for GCF Repo Participants within that particular Clearing Bank. However, FICC believes that any burden on competition would be necessary and appropriate in furtherance of the purposes of the Act. By suspending the interbank service of the GCF Repo service, FICC is avoiding a situation where it would not be able to complete settlement as described above.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the suspension of the interbank service have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FICC–2016–002 on the subject line.

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[7] Securities Exchange Act Release No. 48006 (June 10, 2003), 68 FR 35745 (June 16, 2003) (SR–FICC–2003–04).

[8] 15 U.S.C. 78q–1(b)(3)(F).

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FICC–2016–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of FICC and on DTCC's Web site at *http://www.dtcc.com/legal/sec-rule-filings.aspx.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FICC–2016–002 and should be submitted on or before June 10, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11880 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:
Schedule 13E–4F. SEC File No. 270–340, OMB Control No. 3235–0375.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Schedule 13E–4F (17 CFR 240.13e–102) may be used by an issuer that is incorporated or organized under the laws of Canada to make a cash tender or exchange offer for the issuer's own securities if less than 40 percent of the class of such issuer's securities outstanding that are the subject of the tender offer is held by U.S. holders. The information collected must be filed with the Commission and is publicly available. We estimate that it takes approximately 2 hours per response to prepare Schedule 13E–4F and that the information is filed by approximately 3 respondents for a total annual reporting burden of 6 hours (2 hours per response × 3 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 17, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–11958 Filed 5–19–16; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2016–0020]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and one extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2016–0020].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than July 19, 2016. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Application for Supplemental Security Income—20 CFR 416.207 and 416.305–416.335, Subpart C—0960–0229.* The Supplemental Security Income (SSI) program provides aged, blind, and disabled individuals who have little or no income, with funds for food, clothing, and shelter. Individuals complete Form SSA–8000–BK to apply for SSI. SSA uses the information from Form SSA–8000–BK and its electronic Intranet counterpart, the Modernized SSI Claims Systems (MSSICS), to determine: (1) Whether SSI claimants

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[9] 17 CFR 200.30–3(a)(12).

meet all statutory and regulatory eligibility requirements; and (2) SSI payment amounts. The respondents are applicants for SSI or their representative payees.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–8000–BK (Paper Version)	17,541	1	41	11,986
MSSICS/Signature Proxy	1,373,401	1	35	801,151
Totals	1,390,942			813,137

2. *Application for Supplemental Security Income—20 CFR 416.305–416.335, Subpart C—0960–0444.* SSA uses Form SSA–8001–BK to determine an applicant's eligibility for SSI and SSI payment amounts. SSA employees also collect this information during interviews with members of the public who wish to file for SSI. SSA uses the information for two purposes: (1) To deny SSI formally, for non-medical reasons when information the applicant provides results in ineligibility; or (2) to establish a disability claim, but defer the complete development of non-medical issues until SSA approves the disability. The respondents are applicants for SSI.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
MSSICS/Signature Proxy	937,207	1	20	312,402
SSA–8001–BK (Paper Version)	1,033	1	20	344
Totals	938,240			312,746

3. *Function Report—Child (Birth to 1st Birthday, Age 1 to 3rd Birthday, Age 3 to 6th Birthday, Age 6 to 12th Birthday, Age 12 to 18th Birthday)—20 CFR 416.912 and 416.924a(a)(2)—0960–0542.* As part of SSA's disability determination process, we use Forms SSA–3375–BK through SSA–3379–BK to request information from a child's parent or guardian for children applying for SSI. The five different versions of the form contain questions about the child's day-to-day functioning appropriate to a particular age group; thus, respondents use only one version of the form for each child. The adjudicative team (disability examiners and medical or psychological consultants) of State disability determination services offices collect the information on the appropriate version of this form (in conjunction with medical and other evidence) to form a complete picture of the children's ability to function and their impairment-related limitations. The adjudicative team uses the completed profile to determine: (1) If each child's impairment(s) results in marked and severe functional limitations; and (2) whether each child is disabled. The respondents are parents and guardians of child applicants for SSI.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3375; SSA–3376; SSA–3377; SSA–3378; SSA–3379 *	532,000	1	20	177,333

* Respondents complete only one form per child.

4. *Government-to-Government Services Online Web site Registration; Government-to-Government Services Online Web site Account Modification/Deletion Form—20 CFR 401.45—0960–0757.* The Government-to-Government Services Online (GSO) Web site allows various external organizations to submit files to a variety of SSA systems and, in some cases, receive files in return. The SSA systems that process data transferred via GSO include, but are not limited to, systems responsible for disability processing and benefit determination or termination. SSA uses the information on Form SSA–159, Government-to-Government Online Web site Registration Form, to register the requestor to use the GSO Web site. Once we receive the SSA–159, SSA provides the user with account information and conducts a walkthrough of the GSO Web site as necessary. Established organizations may submit Form SSA–159 to register additional users as well. The established requesting organizations can also complete Form SSA–160, Government-to-Government Online Web site Account Modification/Deletion Form, to modify their online accounts (*e.g.*, address change). Respondents are State and local government agencies, and some private sector business entities.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–159	1,543	1	15	386
SSA–160	130	1	15	33
Totals	1,673			419

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than June 20, 2016. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. *Agency/Employer Government Pension Offset Questionnaire—20 CFR 404.408(a)—0960–0470.* When an individual is concurrently receiving Social Security spousal, or surviving spousal, benefits and a government pension, the individual may have the amount of Social Security benefits reduced by the government pension amount. This is the Government Pension Offset (GPO). SSA uses Form SSA–L4163 to collect accurate pension information from the Federal or State government agency paying the pension for purposes of applying the pension offset provision. SSA uses this form only when (1) the claimant does not have the information; and (2) the pension-paying agency has not cooperated with the claimant. Respondents are State government agencies which have information SSA needs to determine if the GPO applies and the amount of offset.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L4163	1000	1	3	50

2. *Real Property Current Market Value Estimate—0960–0471.* SSA considers an individual's resources when evaluating eligibility for SSI payments. The value of an individual's resources, including non-home real property, is one of the eligibility requirements for SSI payments. SSA obtains current market value estimates of the claimant's real property through Form SSA–L2794. We allow respondents to use readily available records to complete the form, or we can accept their best estimates. We use this form as part of initial applications and in post-entitlement situations. The respondents are small business operators in real estate; state and local government employees tasked with assessing real property values; and other individuals knowledgeable about local real estate values.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L2794	250	1	20	83

Dated: May 16, 2016.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2016–11851 Filed 5–19–16; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 9574]

In the Matter of the Designation of ISIL-Yemen, aka Islamic State of Iraq and the Levant-Yemen, aka Islamic State and the Levant in Yemen, aka Islamic State in Yemen, aka ISIS in Yemen, aka Wilayat al-Yemen, aka Province of Yemen as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with sec. 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as ISIL-Yemen, also known as Islamic State of Iraq and the Levant-Yemen, also known as Islamic State of Iraq and the Levant in Yemen, also known as Islamic State in Yemen, also known as ISIS in Yemen, also known as Wilayat al-Yemen, also known as Province of Yemen committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in sec. 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register.**

Dated: March 24, 2016.

John F. Kerry,

Secretary of State.

[FR Doc. 2016–11980 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9576]

In the Matter of the Designation of ISIL-Saudi Arabia, aka Islamic State of Iraq and the Levant-Saudi Arabia, aka Islamic State and the Levant in Saudi Arabia, aka ISIS in Saudi Arabia, aka Wilayat al-Haramayn, aka Wilayat Najd, aka Najd Province, aka Province of the Two Holy Places, aka Mujahideen of the Arabian Peninsula, aka Hijaz Province of the Islamic State, aka Al-Hijaz Province as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as ISIL-Saudi Arabia, also known as Islamic State of Iraq and the Levant-Saudi Arabia, also known as Islamic State of Iraq and the Levant in Saudi Arabia, also known as ISIS in Saudi Arabia, also known as Wilayat al-Haramayn, also known as Wilayat Najd, also known as Najd Province, also known as Province of the Two Holy Places, also known as Mujahideen of the Arabian Peninsula, also known as Hijaz Province of the Islamic State, also known as Al-Hijaz Province committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

John F. Kerry,

Secretary of State.

[FR Doc. 2016–11990 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9571]

Culturally Significant Objects Imported for Exhibition Determinations: "London Calling: Bacon, Freud, Kossoff, Andrews, Auerbach, and Kitaj" Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition "London Calling: Bacon, Freud, Kossoff, Andrews, Auerbach, and Kitaj," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The J. Paul Getty Museum, Los Angeles, California, from on about July 26, 2016, until on or about November 13, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: May 13, 2016.

Mark Taplin,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2016–11988 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9572]

Culturally Significant Objects Imported for Exhibition Determinations: "Stuart Davis: In Full Swing" Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition "Stuart Davis: In Full Swing," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Whitney Museum of American Art, New York, New York, from on or about June 10, 2016, until on or about September 25, 2016, at the National Gallery of Art, Washington, District of Columbia, from on or about November 20, 2016, until on or about March 5, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: May 13, 2016.

Mark Taplin,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2016–11983 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9578]

60-Day Notice of Proposed Information Collection: Shrimp Exporter's/Importer's Declaration

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to July 19, 2016.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering "Docket Number: DOS–2016–0028" in the Search field. Then click the "Comment Now" button and complete the comment form.
- *Email: DS2031@state.gov.*
- *Mail:* Send written comments to: Office of Marine Conservation (OES/OMC), Attn: Section 609 Program, 2201 C Street NW., Room 2758, Washington, DC 20520–2758
- *Fax:* (202) 736–7350
- *Hand Delivery or Courier:* Office of Marine Conservation (OES/OMC), Attn: Section 609 Program, 2201 C Street NW., Room 2758, Washington, DC 20520–2758

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Section 609 Program Manager, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–2758, who may be reached at *DS2031@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Shrimp Exporter's/Importer's Declaration.
- *OMB Control Number:* 1405–0095.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Oceans and International Environmental and Scientific Affairs, Office of Marine Conservation (OES/OMC).
- *Form Number:* DS–2031.
- *Respondents:* Business or other for-profit organizations.
- *Estimated Number of Respondents:* 3,000.
- *Estimated Number of Responses:* 10,000.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 1,666 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The DS–2031 form is necessary to document imports of shrimp and shrimp product pursuant to the State Department's implementation of Section 609 of Public Law 101–162, which prohibits the entry into the United States of shrimp harvested in ways which are harmful to sea turtles. Respondents are shrimp or shrimp product exporters and government officials in countries that export shrimp or shrimp product to the United States. The importer is required to present the DS–2031 form at the port of entry into the United States, to retain the DS–2031 form for a period of three years subsequent to entry, and during that time to make the DS–2031 form available to U.S. Customs and Border Protection or the Department of State upon request.

Methodology: The DS–2031 form is completed by the exporter, the importer, and under certain conditions a government official of the harvesting country. The DS–2031 form accompanies shipments of shrimp and shrimp product to the United States and is to be made available to U.S. Customs and Border Protection at the time of entry and for three years after entry.

Dated: May 9, 2016.

David A. Balton,

Deputy Assistant Secretary of State for Oceans and Fisheries, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

[FR Doc. 2016–11989 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 9573]

In the Matter of the Designation of ISIL-Libya, aka Islamic State of Iraq and the Levant-Libya, aka Islamic State and the Levant in Libya, aka Wilayat Barqa, aka Wilayat Fezzan, aka Wilayat Tripolitania, aka Wilayat Tarablus, aka Wilayat al-Tarablus as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with sec. 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as ISIL-Libya, also known as Islamic State of Iraq and the Levant-Libya, also known as Islamic State of Iraq and the Levant in Libya, also known as Wilayat Barqa, also known as Wialyat Fezzan, also known as Wilayat Tripolitania, also known as Wilayat Tarablus, also known as Wilayat al-Tarablus committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: March 24, 2016.

John F. Kerry,

Secretary of State.

[FR Doc. 2016–11982 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9577]

In the Matter of the Designation of Samir Kuntar, Also Known as Samir Quntar, Also Known as Sameer Kantar, Also Known as Samir Al-Kuntar, Also Known as Samir Qantar, Also Known as Samir Kintar, Also Known as Samir Qintar, Also Known as Samir Cantar as a Specially Designated Global Terrorist

In accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended ("the Order"), I hereby determine the individual known as Samir Kuntar, also known as Samir Quntar, also known as Sameer Kantar, also known as Samir Al-Kuntar, also known as Samir Qantar, also known as Samir Kintar, also known as Samir Qintar, also known as Samir Cantar, no longer meets the criteria for designation under the Order, and therefore I hereby revoke the designation of the aforementioned individual as a Specially Designated Global Terrorist pursuant to section 1(b) of the Order.

This notice shall be published in the **Federal Register**.

Dated: April 27, 2016.

John F. Kerry,

Secretary of State.

[FR Doc. 2016–11984 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9570]

Culturally Significant Objects Imported for Exhibition Determinations: "Bruce Conner: It's All True" Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition "Bruce Conner: It's All True," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Museum of Modern Art, New York, New York, from on about July 3, 2016, until on or about October 2, 2016, at the San Francisco Museum of Modern Art, San Francisco, California, from on or about October 29, 2016, until on or about January 22, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: May 13, 2016.

Mark Taplin,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2016–11986 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9575]

In the Matter of the Designation of ISIL-Libya, aka Islamic State of Iraq and the Levant-Libya, aka Islamic State and the Levant in Libya, aka Wilayat Barqa, aka Wilayat Fezzan, aka Wilayat Tripolitania, aka Wilayat Tarablus, aka Wilayat al-Tarablus, as a Foreign Terrorist Organization Pursuant to Sec. 219 of the Immigration and Nationality Act, as Amended

Based upon review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is sufficient factual basis to find that the relevant circumstances described in sec. 219 of the Immigration and Nationality Act, as amended (heinafter "INA") (8 U.S.C. 1189), exist with respect to ISIL-Libya, also known as Islamic State of Iraq and the Levant-Libya, also known as Islamic State of Iraq and the Levant in Libya, also known as Wilayat Barqa, also known as Wialyat Fezzan, also known as Wilayat Tripolitania, also known as Wilayat Tarablus, also known as Wilayat al-Tarablus.

Therefore, I hereby designate the aforementioned organization and its aliases as a foreign terrorist organization pursuant to sec. 219 of the INA.

This determination shall be published in the **Federal Register.**

John F. Kerry,

Secretary of State.

[FR Doc. 2016–11992 Filed 5–19–16; 8:45 am]

BILLING CODE 4710–AD–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36003]

Paul Didelius—Continuance in Control Exemption—WRL, LLC

Paul Didelius (Didelius), an individual and noncarrier,[1] has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of WRL, LLC (WRL), upon WRL's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of modified certificate of public convenience and necessity in *WRL, LLC—Notice of Modified Rail Certificate,* Docket No. FD 36002, in which WRL seeks Board approval to lease and operate a line of railroad (the Line) which was previously authorized for abandonment, and thereafter acquired by the Port of Royal Slope, a Washington State municipal corporation. The total distance of the Line is approximately 26 miles: (1) Originating at milepost 1989.06, near Othello, Adams County, Wash., and continuing west to milepost 2009, at Royal City Junction, Grant County, Wash.; and (2) then northbound, a distance of 5.2 miles, terminating at an industrial siding near Royal City, Grant County, Wash.

The transaction may be consummated on or after June 5, 2016, the effective date of the exemption (30 days after the verified notice of exemption was filed).

Didelius represents that: (1) The rail properties that will be operated and controlled by Didelius, namely WRL, YCR, LRY, and CCET, do not connect with each other or any railroad in their corporate family; (2) there are no plans to acquire additional rail lines for the purpose of making a connection; and (3) each of the carriers involved in the continuance in control transaction is a Class III carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

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[1] Didelius currently owns 100% of LRY, LLC d/b/a Lake Railway (LRY), a Class III carrier that leases and operates rail lines owned by Union Pacific Railroad Company in California and Oregon; 49% of YCR Corporation (YCR), a Class III rail carrier established for the purpose of leasing and operating a line of railroad owned by Yakima County, Wash; and 100% of CCET, LLC (CCET), a Class III short line rail carrier organized for the purpose of leasing and operating a rail line owned by Norfolk Southern Railway Company in Ohio.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than May 27, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36003, must be filed with Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on James H.M. Savage, 22 Rockingham Court, Germantown, MD 20874.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: May 17, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Tia Delano,

Clearance Clerk.

[FR Doc. 2016–11974 Filed 5–19–16; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice for Charlotte Douglas International Airport (CLT), Charlotte, NC

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps (NEMs) submitted by the City of Charlotte for Charlotte Douglas International Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act")) and 14 CFR part 150 (hereinafter referred to as "Part 150") are in compliance with applicable requirements.

DATES: *Effective Date:* The effective date of the FAA's compliance determination on the NEMs is April 12, 2016.

FOR FURTHER INFORMATION CONTACT: Aaron Braswell, Federal Aviation Administration, Memphis Airports District Office, 2600 Thousand Oaks Blvd., Suite 2250, Memphis, TN 38118, 901–322–8192.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the NEMs submitted for the Charlotte Douglas International Airport Airport (CLT) are in compliance with applicable requirements of Part 150, effective April 12, 2016. Under the Act, an airport operator (hereinafter referred to as "Sponsor") may submit to the FAA NEMs which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires that the Sponsor develop its NEMs in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. The FAA has relied on the certification by the City of Charlotte, under § 150.21 of Part 150, that the statutorily required consultation has been accomplished.

An airport Sponsor who has submitted NEMs that are found by the FAA to be in compliance with the requirements of Part 150 may submit a Noise Compatibility Program (NCP) for FAA approval which sets forth the measures the Sponsor has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the NEMs and accompanying documentation submitted by City of Charlotte. The documentation that constitutes the "NEMs" as defined in § 150.7 of Part 150 includes: Exhibit 3–1, Existing (2015) Noise Contour; Exhibit 4–1, Future (2020) Noise Contour; Exhibit C–11, Runway 18L Flight Tracks; Exhibit C–12, Runway 18C Flight Tracks; Exhibit C–13, Runway 18R Flight Tracks; Exhibit C–14, Runway 36R Flight Tracks; Exhibit C–15, Runway 36C Flight Tracks; Exhibit C–16, Runway 36L Flight Tracks; Exhibit C–17, Runway 05 Flight Tracks; Exhibit C–18, Runway 23 Flight Tracks; Exhibit C–19, Helicopter Flight Tracks; Table C–1, Distribution of Average Daily Operations by Aircraft Category Existing (2015) Conditions; Table C–2, Runway End Utilization—Existing (2015) Conditions; Table C–3, Arrival Flight Track Utilization Percentages Existing (2015) and Future (2020) Conditions; Table C–4, Departure Flight Track Utilization Percentages Existing (2015) and Future (2020) Conditions; Table C–5, Departure Trip Length Distribution Existing (2015) Conditions; Table C–6, Aircraft Engine Run-Ups—Existing (2015) Conditions; Table C–7, Distribution of Average Daily Operations by Aircraft Type Future (2020) Conditions; Table C–8, Departure Trip Length Distribution—Future (2020) Conditions; Table C–9, Ground Run-Up Operations—Future (2020) Conditions; Appendix F. The FAA has determined that these NEMs and accompanying documentation are in compliance with applicable requirements. This determination is effective on April 12, 2016.

FAA's determination on the airport Sponsor's NEMs is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of Part 150. Such determination does not constitute approval of the Sponsor's data, information, or plans, and is not a commitment to approve a NCP or to fund the implementation of that Program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a NEM submitted under § 47503 of the Act, it is emphasized that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the NEMs to resolve questions concerning, for example, which properties should be covered by the provisions of § 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government and remain unchanged by FAA's NEM compliance determination under Part 150. The responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport Sponsor that submitted those maps, or with those public agencies and planning agencies with which consultation is required under § 47503 of the Act.

Copies of the full NEM documentation are available for examination by appointment at the following locations:

Federal Aviation Administration, Memphis Airports District Office, 2600 Thousand Oaks Blvd., Suite 2250, Memphis, TN 38118.
Federal Aviation Administration, Airports Southern Region Office, 1701 Columbia Ave., Suite 540, College Park, GA 30337.
Charlotte Douglas International Airport, 5501 Josh Birmingham Parkway, Charlotte, NC 28208.

Direct questions or to arrange an appointment to review the documents to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Memphis, TN, on May 11, 2016.

Phillip J. Braden,

Manager, Memphis Airports District Office.

[FR Doc. 2016–11953 Filed 5–19–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2016–6596]

Passenger Facility Charge (PFC) Program: Eligibility of Ground Access Projects Meeting Certain Criteria

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy amendment and request for comments; extension of comment period.

SUMMARY: The FAA is extending the comment period on its notice of proposed policy published on May 3, 2016, that proposes to amend its "Notice of Policy Regarding the Eligibility of Airport Ground Transportation Projects for Funding Under the Passenger Facility Charge (PFC) Program," regarding the requirement for PFC funding of on-airport, rail access projects.

DATES: Comments must be received on or before June 17, 2016.

ADDRESSES: You may send comments identified by docket number FAA–2016–6596 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

FOR FURTHER INFORMATION CONTACT: Joe Hebert, Manager, Financial Analysis and Passenger Facility Charge Branch, APP–510, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–8375; facsimile (202) 267–5302.

SUPPLEMENTARY INFORMATION: On May 3, 2016, the FAA published a notice titled "Notice of Proposed Policy Amendment and Request for Comments" (81 FR 26611). In that Notice, the FAA proposed to change the policy regarding the Passenger Facility Charge eligibility of ground access projects meeting certain criteria. The notice requested that interested parties submit written comments by June 2, 2016.

On May 11, 2016, the Airports Council International—North America (ACI–NA), the American Association of Airport Executives (AAAE), and Airlines for America (A4A) submitted a request to extend the comment period by 30 days because additional time is needed to conduct the necessary research and assess the alternatives that the FAA proposes and also consolidate comments from their respective members. After careful consideration of the schedule constraints, the FAA has decided to extend the comment period for 15 days until June 17, 2016. The FAA expects that the additional time for comments will allow the affected community to prepare meaningful comments which will help the FAA to consider an amendment to FAA's airport ground access transportation policy for PFC funding.

Issued in Washington, DC, on May 17, 2016.

Elliott Black,

Director, Office of Airport Planning and Programming.

[FR Doc. 2016–11954 Filed 5–19–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on 183 North Mobility Project, Travis and Williamson Counties, Texas

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by TxDOT and Federal Agencies.

SUMMARY: This notice announces actions taken by Texas Department of Transportation (TxDOT) and Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, US 183 North (the "183 North Mobility Project") from State Highway (SH) 45/Ranch-to-Market (RM) 620 in Williamson County to State Loop 1 (MoPac) in Travis County in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 17, 2016. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Swonke, P.G., Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m. to 5:00 p.m. (central time) Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: the 183 North Mobility Project from State Highway (SH) 45/Ranch-to-Market (RM) 620 in Williamson County to State Loop 1 in (MoPac) in Travis County, Texas. The project will have two variable-priced (tolled) express lanes in each direction, an additional (fourth) general purpose lane (southbound from approximately Lake Creek Parkway to the entrance ramp from SH 45; southbound from north of McNeil Drive/Spicewood Springs Road to MoPac; and northbound between Braker Lane and McNeil Drive/Spicewood Springs Road) and direct connectors to and from SH 45/RM 620 on the north and MoPac on the south. Transitions between the improved section of US 183 and existing facilities will be provided along SH 45/RM 620, MoPac (south of RM 2222) and on US 183 north and south of the project areas. The length of the proposed project, including all transitions, is approximately 13 miles.

The actions by TxDOT and the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental

Assessment (Final EA) for the project, approved in the Finding of No Significant Impact (FONSI) issued on April 26, 2016, and in other documents in the TxDOT administrative record. The Final EA, FONSI, and other documents in the administrative record file are available by contacting TxDOT at the address provided above. The Final EA and FONSI can be viewed on the project Web site at *www.183north.com.*

This notice applies to all TxDOT decisions and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251–1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].
8. Executive Orders: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species; E.O. 12372, Intergovernmental Review of Federal Programs.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

Authority: 23 U.S.C. 139(l)(1).

Issued on: May 5, 2016.

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2016–11060 Filed 5–19–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Tier 1 Environmental Impact Statement for Interstate 11 Corridor Between Nogales and Wickenburg, Arizona

AGENCY: Federal Highway Administration (FHWA), Arizona Department of Transportation (ADOT), DOT.

ACTION: Notice of intent to prepare a Tier 1 Environmental Impact Statement (EIS).

SUMMARY: The FHWA, as the Federal Lead Agency, and the ADOT, as the Local Project Sponsor, are issuing this notice to advise the public of our intention to prepare a Tier 1 EIS for the Interstate 11 (I–11) Corridor between Nogales and Wickenburg, AZ (I–11 Corridor). The Tier 1 EIS will assess the potential social, economic, and natural environmental impacts of a vehicular transportation facility and potential multimodal facility (rail and utility) opportunities in the designated I–11 Corridor across a range of alternatives, including a "No Build" alternative. The Tier 1 EIS will be prepared in accordance with regulations implementing the National Environmental Policy Act (NEPA), and provisions of Fixing America's Surface Transportation Act (FAST) Act.

FOR FURTHER INFORMATION CONTACT: For FHWA, contact Mr. Aryan Lirange, Senior Urban Engineer, Federal Highway Administration, 4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012, telephone at 602–382–8973, or via email at *Aryan.Lirange@dot.gov.* Regular office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays. For ADOT, contact Mr. Jay Van Echo, I–11 Corridor Project Manager, Arizona Department of Transportation, 206 South 17th Avenue, Mail Drop 310B, Phoenix, AZ 85007, telephone at 520–400–6207, or via email at *JVanEcho@azdot.gov.* Regular office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays. Project information can be obtained from the project Web site at *http://www.i11study.com/Arizona.*

SUPPLEMENTARY INFORMATION: The purpose of this notice is to: (1) Alert interested parties to FHWA's plan to prepare the Tier 1 EIS; (2) provide information on the nature of the proposed action; (3) solicit public and agency input regarding the scope of the Tier 1 EIS, including the purpose and need, alternatives to be considered, and impacts to be evaluated; and (4) announce that public and agency scoping meetings will be conducted. The FHWA intends to issue a single Final Tier 1 EIS and Record of Decision (ROD) document pursuant to FAST Act Section 1311 requirements, unless FHWA determines statutory criteria or practicability considerations preclude issuance of a combined document.

The Tier 1 EIS will build upon the prior I–11 and Intermountain West Corridor Study (IWCS) completed in 2014. This Planning and Environmental Linkages study was a multimodal planning effort that included ADOT, Federal Railroad Administration, FHWA, Maricopa Association of Governments, Nevada Department of Transportation, Regional Transportation Commission of Southern Nevada, and other key stakeholders. The I–11 and Intermountain West Corridor was identified as a critical piece of multimodal infrastructure that would diversify, support, and connect the economies of Arizona and Nevada. The I–11 and Intermountain West Corridor could also be connected to a larger north-south transportation corridor, linking Mexico and Canada.

On December 4, 2015, the President signed into law the FAST Act, which is a 5-year legislation to improve the Nation's surface transportation infrastructure. The FAST Act formally designates I–11 throughout Arizona, reinforcing ADOT's overall concept for the Arizona I–11 Corridor that emerged from the IWCS study. The FHWA and ADOT continue to advance the I–11 Corridor in Arizona for the approximately 280-mile section between Nogales and Wickenburg with this Tier I EIS study.

The FHWA and ADOT will undertake a scoping process for the I–11 Corridor that will allow the public and interested agencies to comment on the scope of the environmental review process. The FHWA and ADOT will invite all interested individuals, organizations, public agencies, and Native American Tribes to comment on the scope of the

Tier 1 EIS, including the purpose and need, alternatives to be studied, impacts to be evaluated, and evaluation methods to be used. The formal scoping period is from the date of this notice until July 8, 2016. Six public scoping meetings and three interagency scoping meetings for Federal, State, regional and local resource and regulatory agencies will be held during the formal scoping period. In addition, cooperating and participating agency invitation letters will be sent to agencies that have jurisdiction or may have an interest in the I–11 Corridor.

The buildings used for the meetings are accessible to persons with disabilities. Any person who requires special assistance, such as a language interpreter, should contact the Interstate 11 Tier 1 EIS Study Team at telephone 844–544–8049 or via email at *I-11ADOTStudy@hdrinc.com* at least 48 hours before the meeting.

Written comments on the scope of the Tier 1 EIS should be mailed to: Interstate 11 Tier 1 EIS Study Team, c/o ADOT Communications, 1655 West Jackson Street, Mail Drop 126F, Phoenix, AZ 85007; sent via email to *I-11ADOTStudy@hdrinc.com;* or submitted on the study's Web site at *http://www.i11study.com/Arizona.*

The Paperwork Reduction Act seeks, in part, to minimize the cost to the taxpayer of the creation, collection, maintenance, use dissemination, and disposition of information. Accordingly, unless a specific request for a complete hardcopy of the NEPA document is received before it is printed, the FHWA and ADOT will distribute only electronic versions of the NEPA document. A complete copy of the environmental document will be available for review at locations throughout the study area. An electronic copy of the complete environmental document will be available on the study's Web site at *http://www.i11study.com/Arizona.*

Authority: 23 U.S.C. 315; 23 CFR 771.123.

Issued on: May 11, 2016.

Karla S. Petty,

Arizona Division Administrator, Federal Highway Administration.

[FR Doc. 2016–11694 Filed 5–19–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Consumer Protections for Depository Institution Sales of Insurance

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, "Consumer Protections for Depository Institution Sales of Insurance." The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by June 20, 2016.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0220, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0220, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Consumer Protections for Depository Institution Sales of Insurance.

OMB Control No.: 1557–0220.

Type of Review: Extension, without revision, of a currently approved collection.

Description: This information collection is required under section 305 of the Gramm-Leach-Bliley Act (GLB Act), Public Law 106–102. Section 305 of the GLB Act requires the OCC, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (collectively, the Agencies) to prescribe joint consumer protection regulations that apply to retail sales practices, solicitations, advertising, and offers of any insurance product by a depository institution or by other persons performing these activities at an office of the institution or on behalf of the institution (other covered persons). Section 305 also requires those performing such activities to disclose certain information to consumers (*e.g.,* that insurance products and annuities are not FDIC-insured).

This information collection requires national banks, Federal savings associations, and other covered persons, as defined in 12 CFR 14.20(f) and 136.20, involved in insurance sales to make two separate disclosures to consumers. Under §§ 14.40 and 136.40, a national bank, Federal savings association, or other covered person must prepare and provide orally and in writing: (1) Certain insurance disclosures to consumers before the completion of the initial sale of an insurance product or annuity to a consumer and (2) certain credit disclosures at the time of application for the extension of credit (if insurance products or annuities are sold, solicited, advertised, or offered in connection with an extension of credit).

Consumers use the disclosures to understand the risks associated with insurance products and annuities and to understand that they are not required to purchase, and may refrain from purchasing, certain insurance products or annuities in order to qualify for an extension of credit.

Affected Public: Businesses or other for-profit.

Frequency: On occasion.

Estimated Burden:

Estimated Number of Respondents: 663.

Total Estimated Burden Hours: 3,315 hours.

Comments: On February 2, 2016, the OCC published a notice concerning the collection for 60 days of comment. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of the services necessary to provide the required information.

Dated: May 16, 2016.

Mary Hoyle Gottlieb,

Regulatory Specialist, Legislative and Regulatory Activities Division.

[FR Doc. 2016–11919 Filed 5–19–16; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Funding Availability (NOFA)

AGENCY: VA Homeless Providers Grant and Per Diem Program, Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of 1-year funding for the 21 currently operational fiscal year (FY) 2015 VA Homeless Providers Grant and Per Diem (GPD) Special Need Grant Recipients and their collaborative VA Special Need partners (as applicable) to submit renewal applications for assistance under the Special Need Grant component of VA's Homeless Providers GPD Program. The focus of this NOFA is to encourage applicants to continue to deliver services to the homeless special need Veteran population. This NOFA contains information concerning the program, application process, and amount of funding available.

DATES: An original completed, signed, and dated application (plus three completed collated copies) for assistance under the VA's Homeless Providers GPD Program and associated documents must be received in the GPD Program Office by 4:00 p.m. Eastern Time on June 27, 2016 (see application requirements below).

Applications may not be sent by facsimile or email. In the interest of fairness to all competing applicants, this deadline is firm as to date and time, and VA will treat any application that is received after the deadline as ineligible for consideration. Applicants should make early submission of their material to avoid any risk of loss of eligibility as a result of unanticipated delays or other delivery-related problems.

ADDRESSES: An original completed, signed, and dated application (plus three completed collated copies) and all required associated documents must be submitted to the following address: VA Homeless Providers GPD Program Office, 10770 N. 46th Street, Suite C–200, Tampa, FL 33617. Applications must be received by the application deadline. Applications must arrive as a complete package to include VA collaborative materials (see application requirements). Materials arriving separately *will not* be included in the application package for consideration and may result in the application being rejected or not funded.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffery L. Quarles, Director, VA Homeless Providers GPD Program, Department of Veterans Affairs, 10770 N. 46th Street, Suite C–200, Tampa, FL 33617; (toll-free) 1 (877) 332–0334.

SUPPLEMENTARY INFORMATION:

Funding Opportunity Description

This NOFA announces the availability of FY 2016 funds to provide 1-year funding assistance in FY 2017 under VA's Homeless Providers GPD Program for the 21 FY 2015 operational GPD Special need recipients and their collaborative VA Special Need partners (as applicable). Eligible applicants may obtain grant assistance to cover operational costs that would not otherwise be incurred but for the fact that the recipient is providing supportive housing beds and services for the following special needs homeless Veteran populations:

(1) Women;

(2) Frail elderly;

(3) Chronically mentally ill; or

(4) Individuals who have care of minor dependents.

Definitions of key terms relating to these populations are contained in 38 CFR 61.1 Definitions. Eligible applicants should review these definitions to ensure their proposed populations meet the specific requirements. Note: There are currently no existing grant projects for the terminally ill special needs population; therefore, grant projects that would support that population are not eligible for funding under this NOFA, and that population is not addressed in this NOFA.

VA is pleased to issue this NOFA for the Homeless Providers GPD Program as a part of the effort to end homelessness among our Nation's Veterans. Funding applied for under this NOFA may be used for the provision of service and operational costs to facilitate the following for each targeted group:

Women:

(1) Ensure transportation for women, especially for health care and educational needs; and

(2) Address safety and security issues including segregation from other program participants, if deemed appropriate.

Frail Elderly:

(1) Ensure the safety of the residents in the facility to include preventing harm and exploitation;

(2) Ensure opportunities to keep residents mentally and physically agile to the fullest extent through the incorporation of structured activities, physical activity, and plans for social engagement within the program and in the community;

(3) Provide opportunities for participants to address life transitional issues and separation and/or loss issues;

(4) Provide access to assistance devices such as walkers, grippers, or other devices necessary for optimal functioning;

(5) Ensure adequate supervision, including supervision of medication and monitoring of medication compliance; and

(6) Provide opportunities for participants either directly or through referral for other services particularly relevant for the frail elderly, including

services or programs addressing emotional, social, spiritual, and generative needs.

Chronically Mentally Ill:

(1) Help participants join in and engage with the community;

(2) Facilitate reintegration with the community and provide services that may optimize reintegration such as life-skills education, recreational activities, and follow up case management;

(3) Ensure that participants have opportunities and services for re-establishing relationships with family;

(4) Ensure adequate supervision, including supervision of medication and monitoring of medication compliance; and

(5) Provide opportunities for participants, either directly or through referral, to obtain other services particularly relevant for a chronically mentally ill population, such as vocational development, benefits management, fiduciary or money management services, medication compliance, and medication education.

Individuals who have care of minor dependents:

(1) Ensure transportation for individuals who have care of minor dependents, and their children, especially for health care and educational needs;

(2) Provide directly or offer referrals for adequate and safe child care;

(3) Ensure children's health care needs are met, especially age-appropriate wellness visits and immunizations; and

(4) Address safety and security issues, including segregation from other program participants if deemed appropriate.

Authority: Funding applied for under this NOFA is authorized by 38 U.S.C. 2061. VA implements the Special Need Grant component of the VA Homeless Providers GPD Program 38 CFR part 61.

Award Information

Overview: This NOFA announces the availability of one year funding for use in FY 2017 for the 21 currently operational FY 2015 VA GPD Special Need Grant recipients and their collaborative VA Special Need partners (as applicable) to submit renewal applications for assistance under the Special Need Grant component of VA's Homeless Providers GPD Program.

Funding Priorities: None.

Allocation of Funds: Approximately $4.1 million is available for the current special need grant component of VA's Homeless Providers GPD Program. Funding will be for a period beginning on October 1, 2016, and ending on September 30, 2017.

Special need payment will be the lesser of:

1. 100 percent of the daily cost of care estimated by the special need recipient for furnishing services to homeless Veterans with special need that the special need recipient certifies to be correct, minus any other sources of income; or

2. Two times the current VA State Home Program per diem rate for domiciliary care.

Special need awards are subject to: Funds availability; the recipient meeting the performance goals as stated in the grant application; statutory and regulatory requirements; and annual inspections.

Applicants should ensure their funding requests and operational costs are based on the 12-month award period above and should be approximately in line with prior year expenditures. Requests cannot exceed the amount obligated under the FY 2015 award. Applicants should note unexpended funding from FY 2015 will be de-obligated.

Based on GPD funding availability, approximately $2.4 million is expected to be made available over the specified time (internally) for the current grantees and their collaborative VA Special Need partners (as applicable). The goal is, to the maximum extent possible, to ensure a continuation of special need services to homeless Veterans.

Funding Actions: Conditionally selected applicants may be asked to submit additional information under 38 CFR 61.15. Applicants will be notified of any further additional information needed to confirm or clarify information provided in the application.

Applicants will then be notified of the deadline to submit such information. If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other special need applicants. Following receipt and confirmation that this information is accurate and in acceptable form, the applicant will execute an agreement with VA in accordance with 38 CFR 61.61.

Grant Award Period: Applicants that are selected will have a maximum award of one year beginning on October 1, 2016, and ending on September 30, 2017, to utilize the special need funding. Funds unexpended after the September 30, 2017, deadline will be de-obligated.

Funding Restrictions: Special need funding may not be used for capital improvements or to purchase vans or real property. However, the leasing of vans or real property may be acceptable. Changes to the special need population the applicant currently serves will not be allowed.

Questions regarding acceptability should be directed to VA's National GPD Program Office at the number listed in the "For Further Information Contact" section of this NOFA. Applicants may not receive special need funding to replace funds provided by any Federal, State or local government agency or program to assist homeless persons.

Eligibility Information: In order to be eligible, an applicant must be a current operational FY 2015 VA GPD Special Need Grant Recipient in conjunction with their collaborative VA Special Need partner, or a currently operational VA GPD Special Need Grant Recipient that does not involve a collaborative effort to make application for assistance under the Special need Grant Component of VA's Homeless Providers GPD Program. *Applicants must serve the same special need population as in their previous grants.* Note: If the applicant currently has a collaborative project and its collaborative VA Special Need partner no longer wishes to continue, the applicant will be ineligible for an award under this NOFA.

Cost Sharing or Matching: None.

Application Requirements and Submission Information: Applicants should be careful to complete the proper application package. Submission of the incorrect or incomplete application package including the information required from the collaborative VA Special Need partner (if applicable) must be submitted as one package. Failure to do so will result in the application being rejected at threshold. The package will consist of two parts. The first part will be the standard forms required for grants to include all required forms and certifications and will be provided by VA on the GPD Web site. The second part will be provided by applicants completing the items as listed below (see Application Requirements). Applicants who are conditionally selected will be notified of any additional information needed to confirm or clarify information provided in the application. Applicants will then be notified of the deadline to submit such information. If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other grant and per diem applicants.

Address To Obtain Standard Grant Forms for Application Package: Download the standard grant forms directly from VA's GPD Program Web page at: *http://www.va.gov/HOMELESS/GPD.asp.* Questions should be referred to the VA GPD Program at (toll-free) 1 (877) 332–0334.

Content and Form of Application: An application package is needed for each special need population the applicant is seeking to provide services to under this NOFA. Applicants should ensure that they include all required documents in their application including the information required from the VA collaborative Special Need partner (if applicable) and carefully follow the format described below. Submission of an incorrect, incomplete, or incorrectly formatted application package will result in the application being rejected at threshold. Applicants should ensure that the items listed in the "Application Requirements" section of this NOFA are addressed in their application. Applicants should ensure the application is compiled in the order outlined below and sections labeled accordingly.

Applicants are to complete the application in a normal business format on not more than 40 double-spaced, typed, single sided pages in Arial 12 font. Note: The resumes or letters of support do not have to be double spaced and will not count toward the page maximum. Applicants must include or address the following within the application:

I. *Application Documentation Required:*

Standard Forms:

SF 424	Application for Federal Assistance
SF 424A	Budget Information—Non-Construction Programs
SF 424B	Assurances—Non-Construction Programs

1. *Eligibility to receive VA Assistance:* Nonprofit Organizations must provide documentation of accounting system certification and evidence of private nonprofit status. This must be accomplished by the following:

(a) Providing documentation showing the applicant is a certified United Way Member Agency; or

(b) Providing certification on letterhead stationery from a Certified Public Accountant or Public Accountant that the organization has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or that the organization has designated a qualified entity to maintain a functioning accounting system. If such an entity is used, then their name and address must be included in the certification letter; and

(c) Providing evidence of their status as a nonprofit organization by submitting a copy of their IRS ruling providing tax-exempt status under the IRS Code of 1986, as amended; and

(d) On your agency's letterhead, copying the following reasonable assurances below the statement "The applicant certifies that the following are true:" and signing and dating the document at the bottom:

i. The existing grant project of the applicant is being, and will continue to be, used principally to furnish Veterans the level of care for which VA awarded the applicant the original grant under the VA's Homeless Providers GPD Program; that not more than 25 percent of participants at any one time will be non-Veterans; and that such services will meet the requirements of 38 CFR 61.1–61.82;

ii. The applicant will keep records and submit reports as VA may reasonably require, within the time frames required; and give VA, upon demand, access to the records upon which such information is based;

iii. The applicant agrees to comply with the applicable requirements of 38 CFR part 61 and other applicable laws and has demonstrated the capacity to do so;

iv. The applicant does not have an outstanding obligation to VA that is in arrears, and does not have an overdue or unsatisfactory response to an audit; and

v. The applicant is not in default, by failing to meet requirements for any previous assistance from VA.

(e) Information from VA collaborative Special Need partner (if applicable): If the FY 2015 special need grant was a collaborative grant, the FY 2016 application must include a letter of commitment or a Memorandum of Agreement from the VA collaborative Special Need partner, stating the VA point of contact, the VA staffing plan, plan budget and what specific service(s) the VA is providing to the special need population. Note: If the applicant currently has a collaborative project and its VA partner no longer wishes to continue then the applicant will be ineligible for application under this NOFA.

State/Local Government Applicants: Applicants who are State or local governments must provide a copy of any comments or recommendations by approved State and (area wide) clearinghouses pursuant to Executive Order 12372.

2. *Project Summary:*

On your agency's letterhead provide the following:

(a) The GPD Operational project number to which this special needs application will be tied ________.

(b) Our agency requests $__________ (may not exceed 2015 award) to provide housing and services to homeless Veteran special need populations.

(c) Selection of special need population: Indicate the special need population to be served on your agency letterhead using the statements below: *i.e.,*

i. Our organization will dedicate ______beds to Women.

ii. Our organization will dedicate ______beds to the minor dependents in the care of homeless Veteran individuals.

iii. Our organization will dedicate ______beds to the Frail Elderly.

iv. Our organization will dedicate ______beds to the Chronically Mentally Ill.

(d) Total number of beds dedicated to the special need populations is ________.

3. *Project Narrative:* Please provide a brief abstract of the project to include: The project design, current supportive services committed to the project, types of special need assistance provided, and any special program provisions. Keep in mind that if selected for funding, cost accounting according to the Office of Management and Budget Grant Management Circulars is required. The activities listed above are not inclusive of all of the items of cost in the circulars nor does their presence below constitute that they are fully allowable under the circulars' guidance. Refer to the proper circular to determine if a cost is allowable.

4. *Detailed Project Plan:* This is the portion of the application that describes your program. VA Reviewers will focus on how the project plan addresses the areas as listed below *in relation to your selected special need population.* Please describe in detail how your agency will identify and serve your special need population by responding to the following questions:

(a) Outreach—describe your agency outreach plan and frequency for *your selected special need Veteran population* living in places not ordinarily meant for human habitation (*e.g.* streets, parks abandon buildings, automobiles) and emergency shelters.

(b) Outreach—please identify where your organization will target its outreach efforts to identify appropriate special need Veterans for this program.

(c) Project Plan—VA places emphasis on lowing barriers to admissions; describe the specific process and admission criteria for deciding which Veterans are appropriate for admission.

(d) Project Plan—what is the expected percentage of Veterans that will successfully transition to permanent housing?

(e) Project Plan—How, when, and by whom will the progress of participants toward meeting their individual goals will be monitored, evaluated and documented.

(f) Project Plan—Describe the role Veteran participants will have in operating and maintaining the housing.

(g) Project Plan—Describe your agency's responsibilities, as well as, any sponsors, contractors' responsibilities in operating and maintaining the housing.

(h) Project Plan—Describe program policies regarding a clean and sober environment.

(i) Project Plan—Describe program polices regarding participant agreements and fees.

(j) Project Plan—Specifically list the supportive services, frequency of occurrence, who will provide them and how they will help Veteran participants achieve residential stability, increase skill levels and or income, and how they will increase Veterans self-determination (*i.e.*, case management, frequency of individual/groups, employment services). Include measurable objectives that you will use to determine the success of the program in these three areas.

(k) Project Plan—what is the percentage of Veterans served that will be employed or receiving benefits at the conclusion of the transitional housing?

(l) Project Plan—Address how your agency will facilitate the provision of nutritional meals for the Veterans. Be sure to describe how Veterans with little or no income will be assisted.

(m) Project Plan—VA places great emphasis on placing Veterans in the most appropriate housing situation as rapidly as possible. In this section, provide a timetable and the specific services to include follow-up that supports housing stabilization. Include evidence of coordination of transition services with which your agency expects to have for Veterans.

(n) Project Plan—Describe the availability of or how you will facilitate transportation of the Veteran participants with and without income to appointments, employment, and supportive services.

(o) Ability—Provide a one page resume and/or job description for key personnel and a staffing plan that outlines how your organization will carry out this proposal; to include experience level, dedication of staff position, and the amount of time dedicated to the project. (*i.e.*, a full-time housing specialist, masters level, 20 hours per week).

(p) Ability—Describe your agency's previous experience assessing and providing for the housing needs of homeless Veterans.

(q) Ability—Describe your agency's previous experience assessing and providing supportive services to homeless Veterans.

(r) Ability—Describe your agency's previous experience in assessing supportive service resources and entitlement benefits.

(s) Ability—Describe your agency's previous experience with evaluating the progress of both individual participants and overall program effectiveness through using quality and performance data to make changes. Provide documentation of meeting past performance goals.

(t) Need—Describe through the use of a gap analysis the substantial unmet needs particularly among your targeted Veteran population and those needs of the general homeless population. How does this project meet a need for the community and fit with the community's strategy to end homeless in the community. Support your descriptions with empirical statistical documentation of need.

(u) Coordination—Provide documented evidence your agency is part of an ongoing community-wide planning process which is designed to share information on available resources and reduce duplication among programs that serve special need homeless Veterans (*i.e.* letter of support from your local continuum of care)

(v) Coordination—Provide documented evidence your agency consulted directly with the closest VA Medical Center Director regarding coordination of services for project participants; and your plan to assure access to health care, case management, and other care services.

(w) Site Description— briefly describe the site where housing and services will take place and provide the current complete address to include the zip code for the housing.

Other Submission Requirements: None.

Submission Dates and Times: An original signed, dated, completed, and application (plus three completed collated copies) and all required associated documents must be received in the GPD Program Office, VA Homeless Providers GPD Program Office, 10770 N. 46th Street, Suite C–200, Tampa, FL, 33617; by 4:00 p.m. Eastern Standard Time on June 27, 2016.

Applications must be received by the application deadline. Applications must arrive as a complete package to include VA collaborative partner materials (see application requirements). Materials arriving separately *will not* be included in the application package for consideration and may result in the application being rejected or not funded.

In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat any application that is received after the deadline as ineligible for consideration. Applicants should take this firm deadline into account and make early submission of their material to avoid any risk of loss of eligibility as a result of unanticipated delays or other delivery-related problems. For applications physically delivered (*e.g.*, in person, or via United States Postal Service, FedEx, United Parcel Service, or any other type of courier), the VA GPD Program Office staff will accept the application and date stamp it immediately at the time of arrival. This is the date and time that will determine if the deadline is met for those types of delivery.

DO NOT fax or email the application as applications received via these means will be ineligible for consideration.

Application Review Information:

A. *Criteria for Special Need Grants:* Rating criteria may be found at 38 CFR 61.13 & 61.32.

B. *Review and Selection Process:* Review and selection process may be found at 38 CFR 61.44.

Award Notice: Although subject to change, the VA Homeless Providers GPD Program Office expect the announcement of grant awards during the late fourth quarter of FY 2016 (September). The initial announcement will be made via news release which will be posted on the GPD Web site at *www.va.gov/homeless/gpd.asp.* Following the initial announcement, the VA Homeless Providers GPD Program Office will mail a notification letter to the grant recipients. Applicants that are not selected will be mailed a declination letter within 2 weeks of the initial announcement.

Administrative and National Policy: It is important to be aware that VA places great emphasis on responsibility and accountability. VA has procedures in place to monitor services provided to homeless Veterans and outcomes associated with the services provided in grant and per diem-funded programs. Applicants should be aware of the following:

Awardees will be required to support their request for payments with adequate fiscal documentation as to project expenses and in the case of per diem payments income and expenses.

All awardees that are selected in response to *this NOFA* must meet the requirements of the current edition of the Life Safety Code of the National Fire Protection Association as it relates to their specific facility. Applicants should note that all facilities are to be protected throughout by an approved automatic sprinkler system unless a facility is specifically exempted under the Life Safety Code. Applicants should make consideration of this when submitting their grant applications as no additional funds will be made available for capital improvements under this NOFA.

Each program seeking per diem will have a liaison appointed from a nearby VA medical facility to provide oversight and monitor services provided to homeless Veterans in the per diem-funded program.

Monitoring will include at a minimum a quarterly review of each per diem program's progress toward meeting internal goals and objectives in helping Veterans attain housing stability, adequate income support, and self-sufficiency as identified in each per diem program's original application. Monitoring will also include a review of the agency's income and expenses as they relate to this project to ensure per diem payment is accurate.

Each per diem-funded program will participate in VA's national program monitoring and evaluation system. Monitoring procedures will be used to determine successful accomplishment of outcomes for each per diem-funded program.

Applicants with questions regarding the funding from previous special need awards should contact the VA Homeless Providers GPD Program Office prior to application.

A full copy of the regulations governing the VA Homeless Providers GPD Program is available at *http://www.va.gov/HOMELESS/GPD.asp.*

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert A. McDonald, Secretary of Veterans Affairs, approved this document on May 13, 2016, for publication.

Approved: May 16, 2016.

Michael Shores,

Acting Director, Office of Regulation Policy and Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2016–11849 Filed 5–19–16; 8:45 am]

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Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 60
Flight Simulation Training Device Qualification Standards for Extended Envelope and Adverse Weather Event Training Tasks (Correction); Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 60

[Docket No.: FAA–2014–0391; Amdt. No. 60–4]

RIN 2120–AK08

Flight Simulation Training Device Qualification Standards for Extended Envelope and Adverse Weather Event Training Tasks

Correction

14 CFR PART 60 [CORRECTED]

In FR Rule Doc. No. 2016–05860 beginning on page 18178 in the issue of March 30, 2016, make the following corrections:

■ 1. Correct the table appearing on page 18240 to read as follows:

TABLE A1B—TABLE OF TASKS VS. SIMULATOR LEVEL

Entry No.	QPS Requirements Subjective requirements In order to be qualified at the simulator qualification level indicated, the simulator must be able to perform at least the tasks associated with that level of qualification	Simulator levels A	B	C	D	Information Notes
*	*	*	*	*	*	*
3. Inflight Maneuvers.						
*	*	*	*	*	*	*
3.b. High Angle of Attack Maneuvers						
3.b.1	Approaches to Stall	X	X	X	X	
3.b.2	Full Stall			X	X	Stall maneuvers at angles of attack above the activation of the stall warning system. Required only for FSTDs qualified to conduct full stall training tasks as indicated on the Statement of Qualification.
*	*	*	*	*	*	*
3.g.	Upset Prevention and Recovery Training (UPRT)			X	X	Upset recovery or unusual attitude training maneuvers within the FSTD's validation envelope that are intended to exceed pitch attitudes greater than 25 degrees nose up; pitch attitudes greater than 10 degrees nose down, and bank angles greater than 45 degrees.
*	*	*	*	*	*	*

■ 2. Correct the table appearing on pages 18242–18282 to read as follows:

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
1. Performance.									
1.a.	**Taxi.**								
1.a.1	Minimum radius turn.	±0.9 m (3 ft) or ±20% of airplane turn radius.	Ground.	Plot both main and nose gear loci and key engine parameter(s). Data for no brakes and the minimum thrust required to maintain a steady turn except for airplanes requiring asymmetric thrust or braking to achieve the minimum radius turn.		X	X	X	
1.a.2	Rate of turn versus nosewheel steering angle (NWA).	±10% or ±2°/s of turn rate.	Ground.	Record for a minimum of two speeds, greater than minimum turning radius speed with one at a typical taxi speed, and with a spread of at least 5 kt.		X	X	X	
1.b.	**Takeoff.**			*Note.— All airplane manufacturer commonly-used certificated take-off flap settings must be demonstrated at least once either in minimum unstick speed (1.b.3), normal take-off (1.b.4), critical engine failure on take-off (1.b.5) or crosswind take-off (1.b.6).*					
1.b.1	Ground acceleration time and distance.	±1.5 s or ±5% of time; and ±61 m (200 ft) or ±5% of distance.	Takeoff.	Acceleration time and distance must be recorded for a minimum of 80% of the total time from brake release to V_r. Preliminary aircraft certification data may be used.	X	X	X	X	May be combined with normal takeoff (1.b.4.) or rejected takeoff (1.b.7.). Plotted data should be shown using appropriate scales for each portion of the maneuver.
1.b.2	Minimum control speed, ground (V_{mcg}) using aerodynamic controls only per applicable airworthiness requirement or alternative engine inoperative test to	±25% of maximum airplane lateral deviation reached or ±1.5 m (5 ft). For airplanes with reversible flight control systems:	Takeoff.	Engine failure speed must be within ±1 kt of airplane engine failure speed. Engine thrust decay must be that resulting from the mathematical model for the engine applicable to the FSTD under test. If the modeled engine is not the same as the airplane manufacturer's flight test engine, a further test may be run with the same initial conditions using the thrust from the flight test	X	X	X	X	If a V_{mcg} test is not available, an acceptable alternative is a flight test snap engine deceleration to idle at a speed between V_1 and V_1-10 kt, followed by control of heading using aerodynamic control only and recovery should be achieved with the

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
	demonstrate ground control characteristics.	±2.2 daN (5 lbf) or ±10% of rudder pedal force.		data as the driving parameter.					main gear on the ground. To ensure only aerodynamic control, nosewheel steering should be disabled (i.e. castored) or the nosewheel held slightly off the ground.
1.b.3	Minimum unstick speed (V_{mu}) or equivalent test to demonstrate early rotation take-off characteristics.	±3 kt airspeed. ±1.5° pitch angle.	Takeoff.	Record time history data from 10 knots before start of rotation until at least 5 seconds after the occurrence of main gear lift-off.	X	X	X	X	V_{mu} is defined as the minimum speed at which the last main landing gear leaves the ground. Main landing gear strut compression or equivalent air/ground signal should be recorded. If a V_{mu} test is not available, alternative acceptable flight tests are a constant high-attitude takeoff run through main gear lift-off or an early rotation takeoff. If either of these alternative solutions is selected, aft body contact/tail strike protection functionality, if present on the airplane, should be active.
1.b.4	Normal take-off.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±6 m (20 ft) height. For airplanes with	Takeoff.	Data required for near maximum certificated takeoff weight at mid center of gravity location and light takeoff weight at an aft center of gravity location. If the airplane has more than one certificated takeoff configuration, a different configuration must be used for each weight. Record takeoff profile from brake release to at least 61 m (200 ft) AGL.	X	X	X	X	The test may be used for ground acceleration time and distance (1.b.1). Plotted data should be shown using appropriate scales for each portion of the maneuver.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force.							
1.b.5	Critical engine failure on take-off.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±6 m (20 ft) height. ±2° roll angle. ±2° side-slip angle. ±3° heading angle. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force; ±1.3 daN (3 lbf) or ±10% of wheel force; and ±2.2 daN (5 lbf) or ±10% of rudder pedal force.	Takeoff.	Record takeoff profile to at least 61 m (200 ft) AGL. Engine failure speed must be within ±3 kt of airplane data. Test at near maximum takeoff weight.	X	X	X	X	
1.b.6	Crosswind takeoff.	± 3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±6 m (20 ft) height. ±2° roll angle.	Takeoff.	Record takeoff profile from brake release to at least 61 m (200 ft) AGL. This test requires test data, including wind profile, for a crosswind component of at least 60% of the airplane performance data value measured at 10 m (33 ft) above the runway. Wind components must be provided as headwind	X	X	X	X	In those situations where a maximum crosswind or a maximum demonstrated crosswind is not known, contact the NSPM.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		±2° side-slip angle. +3° heading angle. Correct trends at ground speeds below 40 kt for rudder/pedal and heading angle. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force; ±1.3 daN (3 lbf) or ±10% of wheel force; and ±2.2 daN (5 lbf) or ±10% of rudder pedal force.		and crosswind values with respect to the runway.					
1.h.7.	Rejected Takeoff.	+5% of time or +1.5 s. ±7.5% of distance or ±76 m (250 ft).	Takeoff.	Record at mass near maximum takeoff weight. Speed for reject must be at least 80% of V_1. Maximum braking effort, auto or manual. Where a maximum braking demonstration is not available, an acceptable alternative is a test using approximately 80% braking and full reverse, if applicable. Time and distance must be recorded from brake release to a full stop.	X	X	X	X	Autobrakes will be used where applicable.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**Simulator Level**				**Notes**
Entry Number	**Title**				**A**	**B**	**C**	**D**	
1.b.8.	Dynamic Engine Failure After Takeoff.	±2°/s or ±20% of body angular rates.	Takeoff.	Engine failure speed must be within ±3 kt of airplane data. Engine failure may be a snap deceleration to idle. Record hands-off from 5 s before engine failure to +5 s or 30° roll angle, whichever occurs first. CCA: Test in Normal and Non-normal control state.			X	X	For safety considerations, airplane flight test may be performed out of ground effect at a safe altitude, but with correct airplane configuration and airspeed.
1.c.	**Climb.**								
1.c.1.	Normal Climb, all engines operating.	±3 kt airspeed. ±0.5 m/s (100 ft/ min) or ±5% of rate of climb.	Clean.	Flight test data are preferred; however, airplane performance manual data are an acceptable alternative. Record at nominal climb speed and mid initial climb altitude. FSTD performance is to be recorded over an interval of at least 300 m (1 000 ft).	X	X	X	X	
1.c.2.	One-engine-inoperative 2nd segment climb.	±3 kt airspeed. ±0.5 m/s (100 ft/ min) or ±5% of rate of climb, but not less than airplane performance data requirements.	2nd segment climb.	Flight test data is preferred; however, airplane performance manual data is an acceptable alternative. Record at nominal climb speed. FSTD performance is to be recorded over an interval of at least 300 m (1,000 ft). Test at WAT (weight, altitude or temperature) limiting condition.	X	X	X	X	
1.c.3.	One Engine Inoperative En route Climb.	±10% time, ±10% distance, ±10% fuel used	Clean	Flight test data or airplane performance manual data may be used.			X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
				Test for at least a 1,550 m (5,000 ft) segment.					
1.c.4.	One Engine Inoperative Approach Climb for airplanes with icing accountability if provided in the airplane performance data for this phase of flight.	±3 kt airspeed. ±0.5 m/s (100 ft/ min) or ±5% rate of climb, but not less than airplane performance data.	Approach	Flight test data or airplane performance manual data may be used. FSTD performance to be recorded over an interval of at least 300 m (1,000 ft). Test near maximum certificated landing weight as may be applicable to an approach in icing conditions.	X	X	X	X	Airplane should be configured with all anti-ice and de-ice systems operating normally, gear up and go-around flap. All icing accountability considerations, in accordance with the airplane performance data for an approach in icing conditions, should be applied.
1.d.	Cruise / Descent.								
1.d.1.	Level flight acceleration	±5% Time	Cruise	Time required to increase airspeed a minimum of 50 kt, using maximum continuous thrust rating or equivalent. For airplanes with a small operating speed range, speed change may be reduced to 80% of operational speed change.	X	X	X	X	
1.d.2.	Level flight deceleration.	±5% Time	Cruise	Time required to decrease airspeed a minimum of 50 kt, using idle power. For airplanes with a small operating speed range, speed change may be reduced to 80% of operational speed change.	X	X	X	X	
1.d.3.	Cruise performance.	±.05 EPR or ±3% N1 or ±5% of torque. ±5% of fuel flow.	Cruise.	The test may be a single snapshot showing instantaneous fuel flow, or a minimum of two consecutive snapshots with a spread of at least 3 minutes in steady flight.			X	X	
1.d.4.	Idle descent.	±3 kt airspeed. ±1.0 m/s (200 ft/min) or ±5% of rate of descent.	Clean.	Idle power stabilized descent at normal descent speed at mid altitude. FSTD performance to be recorded over an interval of at least 300 m (1,000 ft).	X	X	X	X	
1.d.5.	Emergency descent.	±5 kt airspeed.	As per airplane	FSTD performance to be recorded over an	X	X	X	X	Stabilized descent to be

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		±1.5 m/s (300 ft/min) or ±5% of rate of descent.	performance data.	interval of at least 900 m (3,000 ft).					conducted with speed brakes extended if applicable, at mid altitude and near V_{mo} or according to emergency descent procedure.
1.e.	**Stopping.**								
1.e.1.	Deceleration time and distance, manual wheel brakes, dry runway, no reverse thrust.	±1.5 s or ±5% of time. For distances up to 1,220 m (4, 000 ft), the smaller of ±61 m (200 ft) or ±10% of distance. For distances greater than 1,220 m (4, 000 ft), ±5% of distance.	Landing.	Time and distance must be recorded for at least 80% of the total time from touchdown to a full stop. Position of ground spoilers and brake system pressure must be plotted (if applicable). Data required for medium and near maximum certificated landing mass. Engineering data may be used for the medium mass condition.	**X**	**X**	**X**	**X**	
1.e.2.	Deceleration time and distance, reverse thrust, no wheel brakes, dry runway.	±1.5 s or ±5% of time; and the smaller of ±61 m (200 ft) or ±10% of distance.	Landing	Time and distance must be recorded for at least 80% of the total time from initiation of reverse thrust to full thrust reverser minimum operating speed. Position of ground spoilers must be plotted (if applicable). Data required for medium and near maximum certificated landing mass. Engineering data may be used for the medium mass condition.	**X**	**X**	**X**	**X**	
1.e.3.	Stopping distance, wheel brakes, wet runway.	±61 m (200 ft) or ±10% of distance.	Landing.	Either flight test or manufacturer's performance manual data must be used, where available.			**X**	**X**	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
				Engineering data, based on dry runway flight test stopping distance and the effects of contaminated runway braking coefficients, are an acceptable alternative.					
1.e.4.	Stopping distance, wheel brakes, icy runway.	±61 m (200 ft) or ±10% of distance.	Landing.	Either flight test or manufacturer's performance manual data must be used, where available. Engineering data, based on dry runway flight test stopping distance and the effects of contaminated runway braking coefficients, are an acceptable alternative.			X	X	
1.f.	**Engines.**								
1.f.1.	Acceleration.	±10% T_i or ±0.25 s; and ±10% T_t or ±0.25 s.	Approach or landing	Total response is the incremental change in the critical engine parameter from idle power to go-around power.	X	X	X	X	See Appendix F of this part for definitions of T_i and T_t.
1.f.2.	Deceleration.	±10% T_i or ±0.25 s; and ±10% T_t or ±0.25 s.	Ground	Total response is the incremental change in the critical engine parameter from maximum takeoff power to idle power.	X	X	X	X	See Appendix F of this part for definitions of T_i and T_t.
2. Handling Qualities.									
2.a.	**Static Control Tests.**								
	Note.1 — Testing of position versus force is not applicable if forces are generated solely by use of airplane hardware in the FSTD. *Note 2 — Pitch, roll and yaw controller position versus force or time should be measured at the control. An alternative method in lieu of external test fixtures at the flight controls would be to have recording and measuring instrumentation built into the FSTD. The force and position data from this instrumentation could be directly recorded and matched to the airplane data. Provided the instrumentation was verified by using external measuring equipment while conducting the static control checks, or equivalent means, and that evidence of the satisfactory comparison is included in the MQTG, the instrumentation could be used for both initial and recurrent evaluations for the measurement of all required control checks. Verification of the instrumentation by using external measuring equipment should be repeated if major modifications and/or repairs are made to the control loading system. Such a permanent installation could be used without any time being lost for the installation of external devices. Static and dynamic flight control tests should be accomplished at the same feel or impact pressures as the validation data where applicable.* *Note 3 FSTD static control testing from the second set of pilot controls is only required if both sets of controls are not mechanically interconnected on the FSTD. A rationale is required from the data provider if a single set of data is applicable to both sides. If controls are mechanically interconnected in the FSTD, a single set of tests is sufficient.*								
2.a.1.a.	Pitch controller position versus force and surface position	+0.9 daN (2 lbf) breakout.	Ground.	Record results for an uninterrupted control sweep to the stops.	X	X	X	X	Test results should be validated with in-flight data from tests such as

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
	calibration.	±2.2 daN (5 lbf) or ±10% of force. ±2° elevator angle.							longitudinal static stability, stalls, etc.
2.a.1.b.	**(Reserved)**								
2.a.2.a.	Roll controller position versus force and surface position calibration.	±0.9 daN (2 lbf) breakout. ±1.3 daN (3 lbf) or ±10% of force. ±2° aileron angle. ±3° spoiler angle.	Ground.	Record results for an uninterrupted control sweep to the stops.	X	X	X	X	Test results should be validated with in-flight data from tests such as engine-out trims, steady state side-slips, etc.
2.a.2.b.	**(Reserved)**								
2.a.3.a.	Rudder pedal position versus force and surface position calibration.	±2.2 daN (5 lbf) breakout. ±2.2 daN (5 lbf) or ±10% of force. ±2° rudder angle.	Ground.	Record results for an uninterrupted control sweep to the stops.	X	X	X	X	Test results should be validated with in-flight data from tests such as engine-out trims, steady state side-slips, etc.
2.a.3.b.	**(Reserved)**								
2.a.4.	Nosewheel Steering Controller Force and Position Calibration.	±0.9 daN (2 lbf) breakout. ±1.3 daN (3 lbf) or ±10% of force. ±2° NWA.	Ground.	Record results of an uninterrupted control sweep to the stops.	X	X	X	X	
2.a.5.	Rudder Pedal Steering Calibration.	±2° NWA.	Ground.	Record results of an uninterrupted control sweep to the stops.	X	X	X	X	
2.a.6.	Pitch Trim Indicator	±0.5° trim angle.	Ground.		X	X	X	X	The purpose of the test is to

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
	vs. Surface Position Calibration.								compare FSTD surface position and indicator against the flight control model computed value.
2.a.7.	Pitch Trim Rate.	±10% of trim rate (°/s) or ±0.1°/s trim rate.	Ground and approach.	Trim rate to be checked at pilot primary induced trim rate (ground) and autopilot or pilot primary trim rate in-flight at go-around flight conditions. For CCA, representative flight test conditions must be used.	X	X	X	X	
2.a.8.	Alignment of cockpit throttle lever versus selected engine parameter.	When matching engine parameters: ±5° of TLA. When matching detents: ±3% N1 or ±.03 EPR or ±3% torque, or equivalent. Where the levers do not have angular travel, a tolerance of ±2 cm (±0.8 in) applies.	Ground.	Simultaneous recording for all engines. The tolerances apply against airplane data. For airplanes with throttle detents, all detents to be presented and at least one position between detents/ endpoints (where practical). For airplanes without detents, end points and at least three other positions are to be presented.	X	X	X	X	Data from a test airplane or engineering test bench are acceptable, provided the correct engine controller (both hardware and software) is used. In the case of propeller-driven airplanes, if an additional lever, usually referred to as the propeller lever, is present, it should also be checked. This test may be a series of snapshot tests.
2.a.9.	Brake pedal position versus force and brake system pressure calibration.	±2.2 daN (5 lbf) or ±10% of force. ±1.0 MPa (150 psi) or ±10% of brake system pressure.	Ground.	Relate the hydraulic system pressure to pedal position in a ground static test. Both left and right pedals must be checked.	X	X	X	X	FFS computer output results may be used to show compliance.
2.a.10	Stick Pusher System Force Calibration (if applicable)	±10% or ±5 lb (2.2 daN)) Stick/Column force	Ground or Flight	Test is intended to validate the stick/column transient forces as a result of a stick pusher system activation.			X	X	Aircraft manufacturer design data may be utilized as validation data as determined

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
				This test may be conducted in an on-ground condition through stimulation of the stall protection system in a manner that generates a stick pusher response that is representative of an in-flight condition.					acceptable by the NSPM. Test requirement may be met through column force validation testing in conjunction with the Stall Characteristics test (2.c.8.a.). This test is required only for FSTDs qualified to conduct full stall training tasks.
2.b.	**Dynamic Control Tests.**								
	Note.— Tests 2.b.1, 2.b.2 and 2.b.3 are not applicable for FSTDs where the control forces are completely generated within the airplane controller unit installed in the FSTD. Power setting may be that required for level flight unless otherwise specified. See paragraph 4 of this attachment..								
2.b.1.	Pitch Control.	**For underdamped systems**: $T(P_0)$ ±10% of P_0 or ±0.05 s. $T(P_1)$ ±20% of P_1 or ±0.05 s. $T(P_2)$ ±30% of P_2 or ±0.05 s. $T(P_n)$ ±10*(n−1)% of P_n or ±0.05 s. $T(A_n)$ ±10% of A_{max}, where A_{max} is the largest amplitude or ±0.5% of the total control travel (stop to stop).	Takeoff, Cruise, and Landing.	Data must be for normal control displacements in both directions (approximately 25% to 50% of full throw or approximately 25% to 50% of maximum allowable pitch controller deflection for flight conditions limited by the maneuvering load envelope). Tolerances apply against the absolute values of each period (considered independently).			X	X	n − the sequential period of a full oscillation. Refer to paragraph 4 of this Attachment. For overdamped and critically damped systems, see Figure A2B of Appendix A for an illustration of the reference measurement.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		T(A_d) ±5% of A_d – residual band or ±0.5% of the maximum control travel = residual band. ±1 significant overshoots (minimum of 1 significant overshoot). Steady state position within residual band. *Note 1.— Tolerances should not be applied on period or amplitude after the last significant overshoot.* *Note 2.— Oscillations within the residual band are not considered significant and are not subject to tolerances.* **For overdamped and critically damped systems only**, the following tolerance applies: T(P_0) ±10% of P_0 or ±0.05 s.							
2.b.2.	Roll Control.	Same as 2.b.1.	Takeoff, Cruise, and Landing.	Data must be for normal control displacement (approximately 25% to 50% of full throw or approximately 25% to 50% of maximum			X	X	Refer to paragraph 4 of this Attachment.

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
				allowable roll controller deflection for flight conditions limited by the maneuvering load envelope).					For overdamped and critically damped systems, see Figure A2B of Appendix A for an illustration of the reference measurement.
2.b.3.	Yaw Control.	Same as 2.b.1.	Takeoff, Cruise, and Landing.	Data must be for normal control displacement (approximately 25% to 50% of full throw).			X	X	Refer to paragraph 4 of this Attachment. For overdamped and critically damped systems, see Figure A2B of Appendix A for an illustration of the reference measurement.
2.b.4.	Small Control Inputs – Pitch.	+0.15°/s body pitch rate or ±20% of peak body pitch rate applied throughout the time history.	Approach or Landing.	Control inputs must be typical of minor corrections made while established on an ILS approach (approximately 0.5 to 2°/s pitch rate). Test in both directions. Show time history data from 5 s before until at least 5 s after initiation of control input. If a single test is used to demonstrate both directions, there must be a minimum of 5 s before control reversal to the opposite direction. **CCA**: Test in normal and non-normal control state.			X	X	
2.b.5.	Small Control Inputs – Roll.	±0.15°/s body roll rate or ±20% of peak body roll rate applied throughout the time history.	Approach or landing.	Control inputs must be typical of minor corrections made while established on an ILS approach (approximately 0.5 to 2°/s roll rate). Test in one direction. For airplanes that exhibit non-symmetrical behavior, test in both directions. Show time history data from 5 s before until at least 5 s after initiation of control input.			X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
				If a single test is used to demonstrate both directions, there must be a minimum of 5 s before control reversal to the opposite direction. **CCA:** Test in normal and non-normal control state.					
2.b.6.	Small Control Inputs – Yaw.	±0.15°/s body yaw rate or ±20% of peak body yaw rate applied throughout the time history.	Approach or landing.	Control inputs must be typical of minor corrections made while established on an ILS approach (approximately 0.5 to 2°/s yaw rate). Test in both directions. Show time history data from 5 s before until at least 5 s after initiation of control input. If a single test is used to demonstrate both directions, there must be a minimum of 5 s before control reversal to the opposite direction. **CCA:** Test in normal and non-normal control state.			X	X	
2.c.	**Longitudinal Control Tests.**								
	Power setting is that required for level flight unless otherwise specified.								
2.c.1.	Power Change Dynamics.	±3 kt airspeed. ±30 m (100 ft) altitude. ±1.5° or ±20% of pitch angle.	Approach.	Power change from thrust for approach or level flight to maximum continuous or go-around power. Time history of uncontrolled free response for a time increment equal to at least 5 s before initiation of the power change to the completion of the power change + 15 s.	X	X	X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
				CCA: Test in normal and non-normal control mode					
2.c.2.	Flap/Slat Change Dynamics.	±3 kt airspeed. ±30 m (100 ft) altitude. +1.5° or +20% of pitch angle.	Takeoff through initial flap retraction, and approach to landing.	Time history of uncontrolled free response for a time increment equal to at least 5 s before initiation of the reconfiguration change to the completion of the reconfiguration change + 15 s. **CCA:** Test in normal and non-normal control mode	**X**	**X**	**X**	**X**	
2.c.3.	Spoiler/Speedbrake Change Dynamics.	±3 kt airspeed. ±30 m (100 ft) altitude. ±1.5° or ±20% of pitch angle.	Cruise.	Time history of uncontrolled free response for a time increment equal to at least 5 s before initiation of the configuration change to the completion of the configuration change +15 s. Results required for both extension and retraction. **CCA:** Test in normal and non-normal control mode	**X**	**X**	**X**	**X**	
2.c.4.	Gear Change Dynamics.	±3 kt airspeed. ±30 m (100 ft) altitude. ±1.5° or ±20% of pitch angle.	Takeoff (retraction), and Approach (extension).	Time history of uncontrolled free response for a time increment equal to at least 5 s before initiation of the configuration change to the completion of the configuration change + 15 s. **CCA:** Test in normal and non-normal control mode	**X**	**X**	**X**	**X**	
2.c.5.	Longitudinal Trim.	±1° elevator angle. ±0.5° stabilizer or trim surface angle. ±1° pitch angle. +5% of net thrust or	Cruise, Approach, and Landing.	Steady-state wings level trim with thrust for level flight. This test may be a series of snapshot tests. **CCA:** Test in normal or non-normal control mode, as applicable.	**X**	**X**	**X**	**X**	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		equivalent.							
2.c.6.	Longitudinal Maneuvering Stability (Stick Force/g).	+2.2 daN (5 lbf) or ±10% of pitch controller force. Alternative method: ±1° or ±10% of the change of elevator angle.	Cruise, Approach, and Landing.	Continuous time history data or a series of snapshot tests may be used. Test up to approximately 30° of roll angle for approach and landing configurations. Test up to approximately 45° of roll angle for the cruise configuration. Force tolerance not applicable if forces are generated solely by the use of airplane hardware in the FSTD. Alternative method applies to airplanes which do not exhibit stick-force-per-g characteristics. **CCA:** Test in normal or non-normal control mode	X	X	X	X	
2.c.7.	Longitudinal Static Stability.	±2.2 daN (5 lbf) or ±10% of pitch controller force. Alternative method: ±1° or ±10% of the change of elevator angle.	Approach.	Data for at least two speeds above and two speeds below trim speed. The speed range must be sufficient to demonstrate stick force versus speed characteristics. This test may be a series of snapshot tests. Force tolerance is not applicable if forces are generated solely by the use of airplane hardware in the FSTD. Alternative method applies to airplanes which do not exhibit speed stability characteristics. **CCA:** Test in normal or non-normal control mode, as applicable.	X	X	X	X	
2.c.8.a	Stall Characteristics	±3 kt airspeed for stall	Second Segment Climb,	Each of the following stall entries must be			X	X	Buffet threshold of perception

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		warning and stall speeds. ±2.0° angle of attack for buffet threshold of perception and initial buffet based upon Nz component. Control inputs must be plotted and demonstrate correct trend and magnitude. Approach to stall: ±2.0° pitch angle; ±2.0° angle of attack; and ±2.0° bank angle Stall warning up to stall: ±2.0° pitch angle; ±2.0° angle of attack; and Correct trend and magnitude for roll rate and yaw rate. Stall Break and Recovery: SOC Required (see Attachment 7) Additionally, for those simulators with reversible flight control systems or equipped with stick pusher	High Altitude Cruise (Near Performance Limited Condition), and Approach or Landing	demonstrated in at least one of the three flight conditions: ▪ Stall entry at wings level (1g) ▪ Stall entry in turning flight of at least 25° bank angle (accelerated stall) ▪ Stall entry in a power-on condition (required only for propeller driven aircraft) The cruise flight condition must be conducted in a flaps-up (clean) configuration. The second segment climb flight condition must use a different flap setting than the approach or landing flight condition. Record the stall warning signal and initial buffet, if applicable. Time history data must be recorded for full stall through recovery to normal flight. The stall warning signal must occur in the proper relation to buffet/stall. FSTDs of airplanes exhibiting a sudden pitch attitude change or "g break" must demonstrate this characteristic. FSTDs of airplanes exhibiting a roll off or loss of roll control authority must demonstrate this characteristic. Numerical tolerances are not applicable past the stall angle of attack, but must demonstrate correct trend through recovery. See Attachment 7 for additional requirements and information concerning data sources and required angle of attack ranges. **CCA:** Test in normal and non-normal control states. For CCA aircraft with stall envelope protection systems, the normal mode testing is only required to an angle of attack range necessary to demonstrate the correct operation of the system. These tests may be used to satisfy the required					should be based on 0.03 g peak to peak normal acceleration above the background noise at the pilot seat. Initial buffet to be based on normal acceleration at the pilot seat with a larger peak to peak value relative to buffet threshold of perception (some airframe manufacturers have used 0.1 g peak to peak). Demonstrate correct trend in growth of buffet amplitude from initial buffet to stall speed for normal and lateral acceleration. The FSTD sponsor/FSTD manufacturer may limit maximum buffet based on motion platform capability/limitations or other simulator system limitations. Tests may be conducted at centers of gravity and weights typically required for airplane certification stall testing. This test is required only for FSTDs qualified to conduct full stall training tasks. In instances where flight test validation data is limited due to safety of flight considerations, engineering simulator validation data may

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									**INFORMATION**
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**Simulator Level**				**Notes**
Entry Number	**Title**				**A**	**B**	**C**	**D**	
		systems: ±10% or ±5 lb (2.2 daN)) Stick/Column force (prior to the stall angle of attack).		(angle of attack) flight maneuver and envelope protection tests (test 2.h.6.). Non-normal control states must be tested through stall identification and recovery.					be used in lieu of flight test validation data for angles of attack that exceed the activation of a stall protection system or stick pusher system. Where approved engineering simulation validation is used, the reduced engineering tolerances (as defined in paragraph 11 of this appendix) do not apply.
2.c.8.b	Approach to Stall Characteristics	±3 kt airspeed for stall warning speeds. ±2.0° angle of attack for initial buffet. Control displacements and flight control surfaces must be plotted and demonstrate correct trend and magnitude. ±2.0° pitch angle; ±2.0° angle of attack; and ±2.0° bank angle Additionally, for those simulators with reversible flight control systems: ±10% or ±5 lb (2.2 daN)) Stick/Column force	Second Segment Climb, High Altitude Cruise (Near Performance Limited Condition), and Approach or Landing	Each of the following stall entries must be demonstrated in at least one of the three flight conditions: ▪ Approach to stall entry at wings level (1g) ▪ Approach to stall entry in turning flight of at least 25° bank angle (accelerated stall) ▪ Approach to stall entry in a power-on condition (required only for propeller driven aircraft) The cruise flight condition must be conducted in a flaps-up (clean) configuration. The second segment climb flight condition must use a different flap setting than the approach or landing flight condition. **CCA:** Test in Normal and Non-normal control states. For CCA aircraft with stall envelope protection systems, the normal mode testing is only required to an angle of attack range necessary to demonstrate the correct operation of the system. These tests may be used to satisfy the required (angle of attack) flight maneuver and envelope protection tests (test 2.h.6.).	X	X			Tests may be conducted at centers of gravity and weights typically required for airplane certification stall testing. Tolerances on stall buffet are not applicable where the first indication of the stall is the activation of the stall warning system (i.e. stick shaker).
2.c.9.	Phugoid Dynamics.	±10% of period.	Cruise.	Test must include three full cycles or that	X	X	X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		±10% of time to one half or double amplitude or ±0.02 of damping ratio.		necessary to determine time to one half or double amplitude, whichever is less. **CCA:** Test in non-normal control mode.					
2.c.10	Short Period Dynamics.	±1.5° pitch angle or ±2°/s pitch rate. ±0.1 g normal acceleration	Cruise.	**CCA:** Test in normal and non-normal control mode.	X	X	X	X	
2.c.11.	**(Reserved)**								
2.d.	**Lateral Directional Tests.**								
	Power setting is that required for level flight unless otherwise specified.								
2.d.1.	Minimum control speed, air (V_{mca}) or landing (V_{mcl}), per applicable airworthiness requirement or low speed engine-inoperative handling characteristics in the air.	±3 kt airspeed.	Takeoff or Landing (whichever is most critical in the airplane).	Takeoff thrust must be set on the operating engine(s). Time history or snapshot data may be used. **CCA:** Test in normal or non-normal control state, as applicable.	X	X	X	X	Minimum speed may be defined by a performance or control limit which prevents demonstration of V_{mca} or V_{mcl} in the conventional manner.
2.d.2.	Roll Response (Rate).	±2°/s or ±10% of roll rate. For airplanes with reversible flight control systems: ±1.3 daN (3 lbf) or ±10% of wheel force.	Cruise, and Approach or Landing.	Test with normal roll control displacement (approximately one-third of maximum roll controller travel). This test may be combined with step input of flight deck roll controller test 2.d.3.	X	X	X	X	
2.d.3.	Step input of flight deck roll controller.	±2° or ±10% of roll angle.	Approach or Landing.	This test may be combined with roll response (rate) test 2.d.2.	X	X	X	X	With wings level, apply a step roll control input using approximately one-third of

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
				CCA: Test in normal and non-normal control mode					the roll controller travel. When reaching approximately 20° to 30° of bank, abruptly return the roll controller to neutral and allow approximately 10 seconds of airplane free response.
2.d.4.	Spiral Stability.	Correct trend and ±2° or ±10% of roll angle in 20 s. If alternate test is used: correct trend and +2° aileron angle.	Cruise, and Approach or Landing.	Airplane data averaged from multiple tests may be used. Test for both directions. As an alternative test, show lateral control required to maintain a steady turn with a roll angle of approximately 30°. **CCA:** Test in non-normal control mode.	**X**	**X**	**X**	**X**	
2.d.5.	Engine Inoperative Trim.	±1° rudder angle or ±1° tab angle or equivalent rudder pedal. ±2° side-slip angle.	Second Segment Climb, and Approach or Landing.	This test may consist of snapshot tests.	**X**	**X**	**X**	**X**	Test should be performed in a manner similar to that for which a pilot is trained to trim an engine failure condition. 2nd segment climb test should be at takeoff thrust. Approach or landing test should be at thrust for level flight.
2.d.6.	Rudder Response.	±2°/s or ±10% of yaw rate.	Approach or Landing.	Test with stability augmentation on and off. Test with a step input at approximately 25% of full rudder pedal throw. **CCA:** Test in normal and non-normal control mode	**X**	**X**	**X**	**X**	
2.d.7.	Dutch Roll	±0.5 s or ±10% of	Cruise, and Approach or	Test for at least six cycles with stability		**X**	**X**	**X**	

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		period. ±10% of time to one half or double amplitude or ±.02 of damping ratio. +1 s or +20% of time difference between peaks of roll angle and side-slip angle.	Landing.	augmentation off. **CCA:** Test in non-normal control mode.					
2.d.8.	Steady State Sideslip.	For a given rudder position: ±2° roll angle; ±1° side-slip angle; ±2° or ±10% of aileron angle; and ±5° or ±10% of spoiler or equivalent roll controller position or force. For airplanes with reversible flight control systems: ±1.3 daN (3 lbf) or ±10% of wheel force. ±2.2 daN (5 lbf) or	Approach or Landing.	This test may be a series of snapshot tests using at least two rudder positions (in each direction for propeller-driven airplanes), one of which must be near maximum allowable rudder.	X	X	X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**Simulator Level**				**Notes**
Entry Number	**Title**				**A**	**B**	**C**	**D**	
		+10% of rudder pedal force.							
2.e.	**Landings.**								
2.e.1.	Normal Landing.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±3 m (10 ft) or ±10% of height. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force.	Landing.	Test from a minimum of 61 m (200 ft) AGL to nosewheel touchdown. **CCA:** Test in normal and non-normal control mode, if applicable.		X	X	X	Two tests should be shown, including two normal landing flaps (if applicable) one of which should be near maximum certificated landing mass, the other at light or medium mass.
2.e.2.	Minimum Flap Landing.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±3 m (10 ft) or ±10% of height. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force.	Minimum Certified Landing Flap Configuration.	Test from a minimum of 61 m (200 ft) AGL to nosewheel touchdown. Test at near maximum certificated landing weight.			X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
2.e.3.	Crosswind Landing.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±3 m (10 ft) or ±10% of height. ±2° roll angle. ±2° side-slip angle. ±3° heading angle. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force. ±1.3 daN (3 lbf) or ±10% of wheel force. ±2.2 daN (5 lbf) or ±10% of rudder pedal force.	Landing.	Test from a minimum of 61 m (200 ft) AGL to a 50% decrease in main landing gear touchdown speed. Test data is required, including wind profile, for a crosswind component of at least 60% of airplane performance data value measured at 10 m (33 ft) above the runway. Wind components must be provided as headwind and crosswind values with respect to the runway.		X	X	X	In those situations where a maximum crosswind or a maximum demonstrated crosswind is not known, contact the NSPM.
2.e.4.	One Engine Inoperative Landing.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA.	Landing.	Test from a minimum of 61 m (200 ft) AGL to a 50% decrease in main landing gear touchdown speed.		X	X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		±3 m (10 ft) or ±10% of height. ±2° roll angle. +2° side-slip angle. ±3° heading angle.							
2.e.5.	Autopilot landing (if applicable).	±1.5 m (5 ft) flare height. ±0.5 s or ± 10% of Tf. ±0.7 m/s (140 ft/min) rate of descent at touchdown. ±3 m (10 ft) lateral deviation during roll-out.	Landing.	If autopilot provides roll-out guidance, record lateral deviation from touchdown to a 50% decrease in main landing gear touchdown speed. Time of autopilot flare mode engage and main gear touchdown must be noted.		X	X	X	See Appendix F of this part for definition of T_f.
2.e.6.	All-engine autopilot go-around.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA.	As per airplane performance data.	Normal all-engine autopilot go-around must be demonstrated (if applicable) at medium weight.		X	X	X	
2.e.7.	One engine inoperative go around.	±3 kt airspeed, +1.5° pitch angle. ±1.5° AOA. +2° roll angle. ±2° side-slip angle.	As per airplane performance data.	Engine inoperative go-around required near maximum certificated landing weight with critical engine inoperative. Provide one test with autopilot (if applicable) and one without autopilot. **CCA**: Non-autopilot test to be conducted in non-normal mode.		X	X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
2.e.8.	Directional control (rudder effectiveness) with symmetric reverse thrust.	±5 kt airspeed. ±2°/s yaw rate.	Landing.	Apply rudder pedal input in both directions using full reverse thrust until reaching full thrust reverser minimum operating speed.		X	X	X	
2.e.9.	Directional control (rudder effectiveness) with asymmetric reverse thrust.	±5 kt airspeed. ±3° heading angle.	Landing.	With full reverse thrust on the operating engine(s), maintain heading with rudder pedal input until maximum rudder pedal input or thrust reverser minimum operation speed is reached.		X	X	X	
2.f.	**Ground Effect.**								
	Test to demonstrate Ground Effect.	±1° elevator angle. ±0.5° stabilizer angle. ±5% of net thrust or equivalent. ±1° AOA. ±1.5 m (5 ft) or ±10% of height. ±3 kt airspeed. ±1° pitch angle.	Landing.	A rationale must be provided with justification of results. **CCA:** Test in normal or non-normal control mode, as applicable.		X	X	X	See paragraph 5 of this Attachment for additional information.
2.g.	**Windshear.**								
	Four tests, two takeoff and two landing, with one of each conducted in still air and the other with windshear active to demonstrate windshear models.	See Attachment 5 of this appendix.	Takeoff and Landing.	Requires windshear models that provide training in the specific skills needed to recognize windshear phenomena and to execute recovery procedures. See Attachment 5 of this appendix for tests, tolerances, and procedures.			X	X	See Attachment 5 of this appendix for information related to Level A and B simulators.
2.h.	**Flight Maneuver and Envelope Protection Functions.**								

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
	Note. — The requirements of 2.h are only applicable to computer-controlled airplanes. Time history results of response to control inputs during entry into each envelope protection function (i.e. with normal and degraded control states if their function is different) are required. Set thrust as required to reach the envelope protection function.								
2.h.1.	Overspeed.	±5 kt airspeed.	Cruise.			X	X	X	
2.h.2.	Minimum Speed.	±3 kt airspeed.	Takeoff, Cruise, and Approach or Landing.			X	X	X	
2.h.3.	Load Factor.	±0.1g normal load factor	Takeoff, Cruise.			X	X	X	
2.h.4.	Pitch Angle.	±1.5° pitch angle	Cruise, Approach.			X	X	X	
2.h.5.	Bank Angle.	±2° or ±10% bank angle	Approach.			X	X	X	
2.h.6.	Angle of Attack.	±1.5° angle of attack	Second Segment Climb, and Approach or Landing.			X	X	X	
2.i.	**Engine and Airframe Icing Effects**								
2.i.	Engine and Airframe Icing Effects Demonstration (High Angle of Attack)		Takeoff or Approach or Landing [One flight condition – two tests (ice on and off)]	Time history of a full stall and initiation of the recovery. Tests are intended to demonstrate representative aerodynamic effects caused by in-flight ice accretion. Flight test validation data is not required. Two tests are required to demonstrate engine and airframe icing effects. One test will demonstrate the FSTDs baseline performance without ice accretion, and the second test will demonstrate the aerodynamic effects of ice accretion relative to the baseline test. The test must utilize the icing model(s) as described in the required Statement of Compliance in Table A1A, Section 2.j. Test must include rationale that describes the icing effects being demonstrated. Icing effects may include, but are not limited to, the following effects as applicable to the particular airplane type: ▪ Decrease in stall angle of attack ▪ Changes in pitching moment ▪ Decrease in control effectiveness			X	X	Tests will be evaluated for representative effects on relevant aerodynamic and other parameters such as angle of attack, control inputs, and thrust/power settings. Plotted parameters must include: • Altitude • Airspeed • Normal acceleration • Engine power • Angle of attack • Pitch attitude • Bank angle • Flight control inputs • Stall warning and stall buffet onset

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
				▪ Changes in control forces ▪ Increase in drag ▪ Change in stall buffet characteristics and threshold of perception ▪ Engine effects (power reduction/variation, vibration, etc. where expected to be present on the aircraft in the ice accretion scenario being tested)					
3. Motion System.									
3.a.	**Frequency response.**								
		As specified by the sponsor for FSTD qualification.	Not applicable.	Appropriate test to demonstrate required frequency response.	**X**	**X**	**X**	**X**	See paragraph 6 of this Attachment.
3.b.	**Turn-around check.**								
		As specified by the sponsor for FSTD qualification.	Not applicable.	Appropriate test to demonstrate required smooth turn-around.	**X**	**X**	**X**	**X**	See paragraph 6 of this Attachment.
3.c	**Motion effects.**				**X**	**X**	**X**	**X**	Refer to Attachment 3 of this Appendix on subjective testing.
3.d.	**Motion system repeatability.**								
	Motion system repeatability	±0.05 g actual platform linear accelerations.	None.		**X**	**X**	**X**	**X**	Ensure that motion system hardware and software (in normal FSTD operating mode) continue to perform as originally qualified. Performance changes from the original baseline can be readily identified with this information. See paragraph 6.c. of this Attachment.
3.e.	**Motion cueing fidelity**								

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
3.e.1.	Motion cueing fidelity – Frequency-domain criterion.	As specified by the FSTD manufacturer for initial qualification.	Ground and flight.	For the motion system as applied during training, record the combined modulus and phase of the motion cueing algorithm and motion platform over the frequency range appropriate to the characteristics of the simulated aircraft. This test is only required for initial FSTD qualification.			X	X	Testing may be accomplished by the FSTD manufacturer and results provided as a statement of compliance.
3.e.2.	Reserved								
3.f	Characteristic motion vibrations. The following tests with recorded results and an SOC are required for characteristic motion vibrations, which can be sensed at the flight deck where applicable by airplane type.	None.	Ground and flight.					X	The recorded test results for characteristic buffets should allow the comparison of relative amplitude versus frequency. See also paragraph 6.e. of this Attachment.
3.f.1.	Thrust effect with brakes set.	The FSTD test results must exhibit the overall appearance and trends of the airplane data, with at least three (3) of the predominant frequency "spikes" being present within ± 2 Hz of the airplane data.	Ground.	Test must be conducted at maximum possible thrust with brakes set.				X	
3.f.2.	Buffet with landing gear extended.	The FSTD test results must exhibit the overall appearance and trends of the airplane data, with at least three (3) of the predominant frequency "spikes"	Flight.	Test condition must be for a normal operational speed and not at the gear limiting speed.				X	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		being present within ± 2 Hz of the airplane data.							
3.f.3.	Buffet with flaps extended.	The FSTD test results must exhibit the overall appearance and trends of the airplane data, with at least three (3) of the predominant frequency "spikes" being present within ± 2 Hz of the airplane data.	Flight.	Test condition must be at a normal operational speed and not at the flap limiting speed.				X	
3.f.4.	Buffet with speedbrakes deployed.	The FSTD test results must exhibit the overall appearance and trends of the airplane data, with at least three (3) of the predominant frequency "spikes" being present within ± 2 Hz of the airplane data.	Flight.	Test condition must be at a typical speed for a representative buffet.				X	
3.f.5.	Stall buffet	The FSTD test results must exhibit the overall appearance and trends of the airplane data, with at least three (3) of the predominant frequency "spikes" being present within ± 2 Hz of the airplane data.	Cruise (High Altitude), Second Segment Climb, and Approach or Landing	Tests must be conducted for an angle of attack range between the buffet threshold of perception to the pilot and the stall angle of attack. Post stall characteristics are not required.			X	X	If stabilized flight data between buffet threshold of perception and the stall angle of attack are not available, PSD analysis should be conducted for a time span between initial buffet and the stall angle of attack. Test required only for FSTDs qualified for full stall training tasks or for those aircraft which exhibit stall buffet before the activation of the stall warning system.
3.f.6.	Buffet at high	The FSTD test results	Flight.					X	Test condition should be for

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
	airspeeds or high Mach.	must exhibit the overall appearance and trends of the airplane data, with at least three (3) of the predominant frequency "spikes" being present within ± 2 Hz of the airplane data.							high-speed maneuver buffet/wind-up-turn or alternatively Mach buffet.
3.f.7.	In-flight vibrations for propeller driven airplanes.	The FSTD test results must exhibit the overall appearance and trends of the airplane data, with at least three (3) of the predominant frequency "spikes" being present within ± 2 Hz of the airplane data.	Flight (clean configuration).					X	Test should be conducted to be representative of in-flight vibrations for propeller-driven airplanes.
4. Visual System.									
4.a.	**Visual scene quality**								
4.a.1.	Continuous collimated cross-cockpit visual field of view.	Cross-cockpit, collimated visual display providing each pilot with a minimum of 176° horizontal and 36° vertical continuous field of view.	Not applicable.	Required as part of MQTG but not required as part of continuing evaluations.			X	X	Field of view should be measured using a visual test pattern filling the entire visual scene (all channels) consisting of a matrix of black and white 5° squares. Installed alignment should be confirmed in an SOC (this would generally consist of results from acceptance testing).
	Continuous collimated cross-cockpit visual field of view.	Continuous collimated field-of-view providing at least 45° horizontal and 30° vertical field-of-view for each pilot seat. Both pilot seat	Not applicable.	Required as part of MQTG but not required as part of continuing evaluations.	X	X			A vertical field-of-view of 30° may be insufficient to meet visual ground segment requirements.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		visual systems must be operable simultaneously.							
4.a.2.	System geometry	5° even angular spacing within ±1° as measured from either pilot eye point and within 1.5° for adjacent squares.	Not applicable.	The angular spacing of any chosen 5° square and the relative spacing of adjacent squares must be within the stated tolerances.	X	X	X	X	The purpose of this test is to evaluate local linearity of the displayed image at either pilot eye point. System geometry should be measured using a visual test pattern filling the entire visual scene (all channels) with a matrix of black and white 5° squares with light points at the intersections. For continuing qualification testing, the use of an optical checking device is encouraged. This device should typically consist of a hand-held go/no go gauge to check that the relative positioning is maintained.
4.a.3	Surface resolution (object detection).	Not greater than 2 arc minutes.	Not applicable.	An SOC is required and must include the relevant calculations and an explanation of those calculations. This requirement is applicable to any level of simulator equipped with a daylight visual system.			X	X	Resolution will be demonstrated by a test of objects shown to occupy the required visual angle in each visual display used on a scene from the pilot's eyepoint. The object will subtend 2 arc minutes to the eye. This may be demonstrated using threshold bars for a horizontal test.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
									A vertical test should also be demonstrated.
4.a.4	Light point size.	Not greater than 5 arc minutes.	Not applicable.	An SOC is required and must include the relevant calculations and an explanation of those calculations. This requirement is applicable to any level of simulator equipped with a daylight visual system.			X	X	Light point size should be measured using a test pattern consisting of a centrally located single row of white light points displayed as both a horizontal and vertical row. It should be possible to move the light points relative to the eyepoint in all axes. At a point where modulation is just discernible in each visual channel, a calculation should be made to determine the light spacing.
4.a.5	Raster surface contrast ratio.	Not less than 5:1.	Not applicable.	This requirement is applicable to any level of simulator equipped with a daylight visual system.			X	X	Surface contrast ratio should be measured using a raster drawn test pattern filling the entire visual scene (all channels). The test pattern should consist of black and white squares, 5° per square, with a white square in the center of each channel. Measurement should be made on the center bright square for each channel using a 1° spot photometer. This value should have a minimum brightness of 7 cd/m^2 (2 ft-

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
									lamberts). Measure any adjacent dark squares. The contrast ratio is the bright square value divided by the dark square value. *Note 1. — During contrast ratio testing, FSTD aft-cab and flight deck ambient light levels should be as low as possible.* *Note 2. Measurements should be taken at the center of squares to avoid light spill into the measurement device.*
4.a.6	Light point contrast ratio.	Not less than 25:1.	Not applicable.	An SOC is required and must include the relevant calculations.			X	X	Light point contrast ratio should be measured using a test pattern demonstrating an area of greater than 1° area filled with white light points and should be compared to the adjacent background. *Note. — Light point modulation should be just discernible on calligraphic systems but will not be discernable on raster systems.* Measurements of the background should be taken such that the bright square is

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									**INFORMATION**
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**Simulator Level**				**Notes**
Entry Number	**Title**				**A**	**B**	**C**	**D**	
									just out of the light meter FOV. *Note. — During contrast ratio testing, FSTD aft-cab and flight deck ambient light levels should be as low as practical.*
	Light point contrast ratio.	Not less than 10:1.	Not applicable.		X	X			
4.a.7	Light point brightness.	Not less than 20 cd/m^2 (5.8 ft-lamberts).	Not applicable.				X	X	Light points should be displayed as a matrix creating a square. On calligraphic systems the light points should just merge. On raster systems the light points should overlap such that the square is continuous (individual light points will not be visible).
4.a.8	Surface brightness.	Not less than 20 cd/m^2 (5.8 ft-lamberts) on the display.	Not applicable.	This requirement is applicable to any level of simulator equipped with a daylight visual system.			X	X	Surface brightness should be measured on a white raster, measuring the brightness using the 1° spot photometer. Light points are not acceptable. Use of calligraphic capabilities to enhance raster brightness is acceptable.
4.a.9	Black level and sequential contrast.	Black intensity:	Not applicable.		X	X	X	X	All projectors should be turned off and the cockpit

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									**INFORMATION**
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**Simulator Level**				**Notes**
Entry Number	**Title**				**A**	**B**	**C**	**D**	
		Background brightness – Black polygon brightness < 0.015 cd/m^2 (0.004 ft-lamberts). Sequential contrast: Maximum brightness – (Background brightness – Black polygon brightness) > 2,000:1.							environment made as dark as possible. A background reading should be taken of the remaining ambient light on the screen. The projectors should then be turned on and a black polygon displayed. A second reading should then be taken and the difference between this and the ambient level recorded. A full brightness white polygon should then be measured for the sequential contrast test. This test is generally only required for **light valve projectors.**
4.a.10	Motion blur.	When a pattern is rotated about the eyepoint at 10°/s, the smallest detectable gap must be 4 arc min or less.	Not applicable.		X	X	X	X	A test pattern consists of an array of 5 peak white squares with black gaps between them of decreasing width. The range of black gap widths should at least extend above and below the required detectable gap, and be in steps of 1 arc min. The pattern is rotated at the required rate.

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									**INFORMATION**
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**Simulator Level**				**Notes**
Entry Number	**Title**				**A**	**B**	**C**	**D**	
									Two arrays of squares should be provided, one rotating in heading and the other in pitch, to provide testing in both axes. A series of stationary numbers identifies the gap number. *Note.— This test can be limited by the display technology. Where this is the case the NSPM should be consulted on the limitations.* This test is generally only required for **light valve projectors**.
4.a.11	Speckle test.	Speckle contrast must be < 10%.	Not applicable.	An SOC is required describing the test method.	X	X	X	X	This test is generally only required for **laser projectors**.
4.b	**Head-Up Display (HUD)**								
4.b.1	Static Alignment.	Static alignment with displayed image. HUD bore sight must align with the center of the displayed image spherical pattern. Tolerance +/- 6 arc min.	N/A				X	X	Alignment requirement applies to any HUD system in use or both simultaneously if they are used simultaneously for training.
4.b.2	System display.	All functionality in all flight modes must be demonstrated.	N/A				X	X	A statement of the system capabilities should be provided and the capabilities

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
									demonstrated
4.b.3	HUD attitude versus FSTD attitude indicator (pitch and roll of horizon).	Pitch and roll align with aircraft instruments.	Flight.				X	X	
4.c	**Enhanced Flight Vision System (EFVS)**								
4.c.1	Registration test.	Alignment between EFVS display and out of the window image must represent the alignment typical of the aircraft and system type.	Takeoff point and on approach at 200 ft.				X	X	*Note.— The effects of the alignment tolerance in 4.b.1 should be taken into account.*
4.c.2	EFVS RVR and visibility calibration.	The scene represents the EFVS view at 350 m (1,200 ft) and 1,609 m (1 sm) RVR including correct light intensity.	Flight.				X	X	Infra-red scene representative of both 350 m (1,200 ft), and 1,609 m (1 sm) RVR. Visual scene may be removed.
4.c.3	Thermal crossover.	Demonstrate thermal crossover effects during day to night transition.	Day and night.				X	X	The scene will correctly represent the thermal characteristics of the scene during a day to night transition.
4.d	**Visual ground segment**								
4.d.1	Visual ground segment (VGS).	Near end: the correct number of approach lights within the computed VGS must be visible. Far end: ±20% of the computed VGS.	Trimmed in the landing configuration at 30 m (100 ft) wheel height above touchdown zone on glide slope at an RVR setting of 300 m (1,000 ft) or 350 m (1,200 ft).	This test is designed to assess items impacting the accuracy of the visual scene presented to a pilot at DH on an ILS approach. These items include: 1) RVR/Visibility; 2) glide slope (G/S) and localizer modeling	X	X	X	X	

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		The threshold lights computed to be visible must be visible in the FSTD.		accuracy (location and slope) for an ILS; 3) for a given weight, configuration and speed representative of a point within the airplane's operational envelope for a normal approach and landing; and 4) Radio altimeter. *Note. — If non-homogeneous fog is used, the vertical variation in horizontal visibility should be described and included in the slant range visibility calculation used in the VGS computation.*					
4.e	**Visual System Capacity**								
4.e.1	System capacity – Day mode.	Not less than: 10,000 visible textured surfaces, 6,000 light points, 16 moving models.	Not applicable.				**X**	**X**	Demonstrated through use of a visual scene rendered with the same image generator modes used to produce scenes for training. The required surfaces, light points, and moving models should be displayed simultaneously.
4.e.2	System capacity – Twilight/night mode.	Not less than: 10,000 visible textured surfaces, 15,000 light points, 16 moving models.	Not applicable.				**X**	**X**	Demonstrated through use of a visual scene rendered with the same image generator modes used to produce scenes for training. The required surfaces, light points, and moving models should be displayed simultaneously.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
5. Sound System. The sponsor will not be required to repeat the airplane tests (i.e., tests 5.a.1. through 5.a.8. (or 5.b.1. through 5.b.9.) and 5.c., as appropriate) during continuing qualification evaluations if frequency response and background noise test results are within tolerance when compared to the initial qualification evaluation results, and the sponsor shows that no software changes have occurred that will affect the airplane test results. If the frequency response test method is chosen and fails, the sponsor may elect to fix the frequency response problem and repeat the test or the sponsor may elect to repeat the airplane tests. If the airplane tests are repeated during continuing qualification evaluations, the results may be compared against initial qualification evaluation results or airplane master data. All tests in this section must be presented using an unweighted 1/3-octave band format from band 17 to 42 (50 Hz to 16 kHz). A minimum 20 second average must be taken at the location corresponding to the airplane data set. The airplane and flight simulator results must be produced using comparable data analysis techniques.									
5.a.	**Turbo-jet airplanes.**								All tests in this section should be presented using an unweighted 1/3-octave band format from at least band 17 to 42 (50 Hz to 16 kHz). A measurement of minimum 20 s should be taken at the location corresponding to the approved data set. The approved data set and FSTD results should be produced using comparable data analysis techniques. Refer to paragraph 7 of this Attachment
5.a.1.	Ready for engine start.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial	Ground.	Normal condition prior to engine start. The APU should be on if appropriate.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.							Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.a.2.	All engines at idle.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.a.3.	All engines at maximum allowable thrust with brakes set.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the	Ground.	Normal condition prior to takeoff.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct.

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.							Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.a.4.	Climb	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	En-route climb.	Medium altitude.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.a.5.	Cruise	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between	Cruise.	Normal cruise configuration.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data. providing that the overall trend is correct. Where initial evaluation

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		initial and recurrent evaluation results cannot exceed 2 dB.							employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.a.6.	Speed brake/spoilers extended (as appropriate).	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Cruise.	Normal and constant speed brake deflection for descent at a constant airspeed and power setting.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.a.7	Initial approach.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent	Approach.	Constant airspeed, gear up, flaps/slats as appropriate.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		evaluation results cannot exceed 2 dB.							tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.a.8	Final approach.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Landing.	Constant airspeed, gear down, landing configuration flaps.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within + 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
5.b	**Propeller-driven airplanes**								All tests in this section should be presented using an unweighted 1/3-octave band format from at least band 17 to 42 (50 Hz to 16 kHz). A measurement of minimum 20 s should be taken at the location corresponding to the approved data set. The approved data set and FSTD results should be produced using comparable data analysis techniques. Refer to paragraph 3.7 of this Appendix.
5.b.1.	Ready for engine start.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed +5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to engine start. The APU should be on if appropriate.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
5.b.2	All propellers feathered, if applicable.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.b.3.	Ground idle or equivalent.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
5.b.4	Flight idle or equivalent.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed +5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.b.5	All engines at maximum allowable power with brakes set.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed +5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.b.6	Climb.	Initial evaluation: ± 5 dB per 1/3 octave	En-route climb.	Medium altitude.				X	For initial evaluation, it is acceptable to have some 1/3

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.							octave bands out of + 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.b.7	Cruise	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Cruise.	Normal cruise configuration.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.b.8	Initial approach.	Initial evaluation: ± 5 dB per 1/3 octave band.	Approach.	Constant airspeed, gear up, flaps extended as appropriate, RPM as per operating manual.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2

Table A2A - Full Flight Simulator (FFS) Objective Tests									
QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.							that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.b.9	Final approach.	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Landing.	Constant airspeed, gear down, landing configuration flaps, RPM as per operating manual.				X	For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations.
5.c.	**Special cases.**	Initial evaluation: ± 5 dB per 1/3 octave band. Recurrent evaluation: cannot exceed ±5 dB	As appropriate.					X	This applies to special steady-state cases identified as particularly significant to the pilot, important in training, or unique to a specific airplane type or model.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.							For initial evaluation, it is acceptable to have some 1/3 octave bands out of ± 5 dB tolerance but not more than 2 that are consecutive and in any case within ± 7 dB from approved reference data, providing that the overall trend is correct. Where initial evaluation employs approved subjective tuning to develop the approved reference standard, recurrent evaluation tolerances should be used during recurrent evaluations
5.d	**FSTD background noise**	Initial evaluation: background noise levels must fall below the sound levels described in Paragraph 7.c (5) of this Attachment. Recurrent evaluation: ±3 dB per 1/3 octave band compared to initial evaluation.		Results of the background noise at initial qualification must be included in the QTG document and approved by the NSPM. The measurements are to be made with the simulation running, the sound muted and a dead cockpit.				X	The simulated sound will be evaluated to ensure that the background noise does not interfere with training. Refer to paragraph 7 of this Attachment. This test should be presented using an unweighted 1/3 octave band format from band 17 to 42 (50 Hz to 16 kHz).
5.e	**Frequency response**	Initial evaluation: not applicable. Recurrent evaluation: cannot exceed ±5 dB	Ground (static with all systems switched off)					X	Only required if the results are to be used during continuing qualification evaluations in lieu of airplane tests.

Table A2A - Full Flight Simulator (FFS) Objective Tests

QPS REQUIREMENTS									INFORMATION
Test		Tolerance	Flight Conditions	Test Details	Simulator Level				Notes
Entry Number	Title				A	B	C	D	
		difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.							The results must be approved by the NSPM during the initial qualification. This test should be presented using an unweighted 1/3 octave band format from band 17 to 42 (50 Hz to 16 kHz).
6	**SYSTEMS INTEGRATION**								
6.a.	**System response time**								
6.a.1	Transport delay.	Motion system and instrument response: 100 ms (or less) after airplane response. Visual system response: 120 ms (or less) after airplane response.	Pitch, roll and yaw.				X	X	One separate test is required in each axis. Where EFVS systems are installed, the EFVS response should be within + or - 30 ms from visual system response, and not before motion system response. *Note.— The delay from the airplane EFVS electronic elements should be added to the 30 ms tolerance before comparison with visual system reference.*
	Transport delay.	300 milliseconds or less after controller movement.	Pitch, roll and yaw.		X	X			

■ 3. Correct the tables appearing on pages 18284–18300 to read as follows:

Table A3A - Functions And Subjective Tests

QPS REQUIREMENTS

Entry Number	Operations Tasks	Simulator Level			
		A	B	C	D
	Tasks in this table are subject to evaluation if appropriate for the airplane simulated as indicated in the SOQ Configuration List or the level of simulator qualification involved. Items not installed or not functional on the simulator and, therefore, not appearing on the SOQ Configuration List, are not required to be listed as exceptions on the SOQ.				
1.	**Preparation For Flight**				
1.a.	**Pre-flight.** Accomplish a functions check of all switches, indicators, systems, and equipment at all crew members' and instructors' stations and determine that:				
1.a.1	The flight deck design and functions are identical to that of the airplane being simulated.	X	X	X	X
1.a.2	Reserved				
1.a.3	Reserved				
2.	**Surface Operations (pre-flight).**				
2.a.	**Engine Start**				
2.a.1.	Normal start	X	X	X	X
2.a.2.	Alternate start procedures	X	X	X	X
2.a.3.	Abnormal starts and shutdowns (e.g., hot/hung start, tail pipe fire)	X	X	X	X
2.b.	**Taxi**				
2.b.1	Pushback/powerback		X	X	X
2.b.2.	Thrust response	X	X	X	X
2.b.3.	Power lever friction	X	X	X	X
2.b.4.	Ground handling	X	X	X	X
2.b.5.	Nosewheel scuffing			X	X
2.b.6.	Taxi aids (e.g. taxi camera, moving map)			X	X
2.b.7.	Low visibility (taxi route, signage, lighting, markings, etc.)			X	X
2.c.	**Brake Operation**				
2.c.1.	Brake operation (normal and alternate/emergency)	X	X	X	X
2.c.2.	Brake fade (if applicable)	X	X	X	X
2.d	**Other**				
3.	**Take-off.**				
3.a.	**Normal**				
3.a.1.	Airplane/engine parameter relationships, including run-up	X	X	X	X
3.a.2.	Nosewheel and rudder steering	X	X	X	X
3.a.3.a	Crosswind (maximum demonstrated)	X	X	X	X
3.a.3.b	Gusting crosswind			X	X
3.a.4.	Special performance				
3.a.4.a	Reduced V_1	X	X	X	X
3.a.4.b	Maximum engine de-rate	X	X	X	X
3.a.4.c	Soft surface			X	X
3.a.4.d	Short field/short take-off and landing (STOL) operations	X	X	X	X

Table A3A - Functions And Subjective Tests

QPS REQUIREMENTS

Entry Number	Operations Tasks	Simulator Level			
		A	B	C	D
3.a.4.e	Obstacle (performance over visual obstacle)			X	X
3.a.5.	Low visibility take-off	X	X	X	X
3.a.6.	Landing gear, wing flap leading edge device operation	X	X	X	X
3.a.7.	Contaminated runway operation			X	X
3.a.8.	Other				
3.b.	Abnormal/emergency				
3.b.1.	Rejected Take-off	X	X	X	X
3.b.2.	Rejected special performance (e.g., reduced V_1, max de-rate, short field operations)	X	X	X	X
3.b.3.	Rejected take-off with contaminated runway			X	X
3.b.4.	Takeoff with a propulsion system malfunction (allowing an analysis of causes, symptoms, recognition, and the effects on aircraft performance and handling) at the following points: (i) Prior to V1 decision speed; (ii) Between V1 and Vr (rotation speed); and (iii)Between Vr and 500 feet above ground level.	X	X	X	X
3.b.5.	Flight control system failures, reconfiguration modes, manual reversion and associated handling.	X	X	X	X
3.b.6.	Other				
4.	**Climb.**				
4.a.	Normal.	X	X	X	X
4.b.	One or more engines inoperative.	X	X	X	X
4.c.	Approach climb in icing (for airplanes with icing accountability).	X	X	X	X
4.d.	Other				
5.	**Cruise.**				
5.a.	**Performance characteristics (speed vs. power, configuration, and attitude)**				
5.a.1.	Straight and level flight.	X	X	X	X
5.a.2.	Change of airspeed.	X	X	X	X
5.a.3.	High altitude handling.	X	X	X	X
5.a.4.	High Mach number handling (Mach tuck, Mach buffet) and recovery (trim change).	X	X	X	X
5.a.5.	Overspeed warning (in excess of V_{mo} or M_{mo}).	X	X	X	X
5.a.6.	High IAS handling.	X	X	X	X
5.a.7.	Other				
5.b.	**Maneuvers**				
5.b.1.	High Angle of Attack				
5.b.1.a	High angle of attack, approach to stalls, stall warning, and stall buffet (take-off, cruise, approach, and landing configuration) including reaction of the autoflight system and stall protection system.	X	X		
5.b.1.b	High angle of attack, approach to stalls, stall warning, stall buffet, and stall (take-off, cruise, approach, and landing			X	X

Table A3A - Functions And Subjective Tests

QPS REQUIREMENTS

Entry Number	Operations Tasks	Simulator Level			
		A	B	C	D
	configuration) including reaction of the autoflight system and stall protection system.				
5.b.2.	Slow flight			X	X
5.b.3.	Upset prevention and recovery maneuvers within the FSTD's validation envelope.			X	X
5.b.4.	Flight envelope protection (high angle of attack, bank limit, overspeed, etc.)	X	X	X	X
5.b.5.	Turns with/without speedbrake/spoilers deployed	X	X	X	X
5.b.6.	Normal and standard rate turns	X	X	X	X
5.b.7.	Steep turns	X	X	X	X
5.b.8.	Performance turn			X	X
5.b.9.	In flight engine shutdown and restart (assisted and windmill)	X	X	X	X
5.b.10.	Maneuvering with one or more engines inoperative, as appropriate	X	X	X	X
5.b.11.	Specific flight characteristics (e.g. direct lift control)	X	X	X	X
5.b.12.	Flight control system failures, reconfiguration modes, manual reversion and associated handling	X	X	X	X
5.b.13	Gliding to a forced landing			X	X
5.b.14	Visual resolution and FSTD handling and performance for the following (where applicable by aircraft type and training program):				
5.b.14.a	Terrain accuracy for forced landing area selection;			X	X
5.b.14.b	Terrain accuracy for VFR Navigation;			X	X
5.b.14.c	Eights on pylons (visual resolution);			X	X
5.b.14.d	Turns about a point; and			X	X
5.b.14.e	S-turns about a road or section line.			X	X
5.b.15	Other.				
6.	**Descent.**				
6.a.	Normal	X	X	X	X
6.b.	Maximum rate/emergency (clean and with speedbrake, etc.).	X	X	X	X
6.c.	With autopilot.	X	X	X	X
6.d.	Flight control system failures, reconfiguration modes, manual reversion and associated handling.	X	X	X	X
6.e.	Other				
7.	**Instrument Approaches And Landing.** Those instrument approach and landing tests relevant to the simulated airplane type are selected from the following list. Some tests are made with limiting wind velocities, under windshear conditions, and with relevant system failures, including the failure of the Flight Director. If Standard Operating Procedures allow use autopilot for non-precision approaches, evaluation of the autopilot will be included. Level A simulators are not authorized to credit the landing maneuver.				
7.a.	**Precision approach**				
7.a.1	CAT I published approaches.				
7.a.1.a	Manual approach with/without flight director including	X	X	X	X

Table A3A - Functions And Subjective Tests

QPS REQUIREMENTS

Entry Number	Operations Tasks	Simulator Level			
		A	B	C	D
	landing.				
7.a.1.b	Autopilot/autothrottle coupled approach and manual landing.	X	X	X	X
7.a.1.c	Autopilot/autothrottle coupled approach, engine(s) inoperative.	X	X	X	X
7.a.1.d	Manual approach, engine(s) inoperative.	X	X	X	X
7.a.1.e	HUD/EFVS			X	X
7.a.2	CAT II published approaches.				
7.a.2.a	Autopilot/autothrottle coupled approach to DH and landing (manual and autoland).	X	X	X	X
7.a.2.b	Autopilot/autothrottle coupled approach with one-engine-inoperative approach to DH and go-around (manual and autopilot).	X	X	X	X
7.a.2.c	HUD/EFVS			X	X
7.a.3	CAT III published approaches.				
7.a.3.a	Autopilot/autothrottle coupled approach to landing and roll-out (if applicable) guidance (manual and autoland).	X	X	X	X
7.a.3.b	Autopilot/autothrottle coupled approach to DH and go-around (manual and autopilot).	X	X	X	X
7.a.3.c	Autopilot/autothrottle coupled approach to land and roll-out (if applicable) guidance with one engine inoperative (manual and autoland).	X	X	X	X
7.a.3.d	Autopilot/autothrottle coupled approach to DH and go-around with one engine inoperative (manual and autopilot).	X	X	X	X
7.a.3.e	HUD/EFVS			X	X
7.a.4	Autopilot/autothrottle coupled approach (to a landing or to a go-around):				
7.a.4.a	With generator failure;	X	X	X	X
7.a.4.b.1	With maximum tail wind component certified or authorized;			X	X
7.a.4.b.2	With 10 knot tail wind;	X	X		
7.a.4.c.1	With maximum crosswind component demonstrated or authorized; and			X	X
7.a.4.c.2	With 10 knot crosswind.	X	X		
7.a.5	PAR approach, all engine(s) operating and with one or more engine(s) inoperative	X	X	X	X
7.a.6	MLS, GBAS, all engine(s) operating and with one or more engine(s) inoperative	X	X	X	X
7.b.	**Non-precision approach.**				
7.b.1	Surveillance radar approach, all engine(s) operating and with one or more engine(s) inoperative	X	X	X	X
7.b.2	NDB approach, all engine(s) operating and with one or more engine(s) inoperative	X	X	X	X

Table A3A - Functions And Subjective Tests

QPS REQUIREMENTS

Entry Number	Operations Tasks	Simulator Level			
		A	B	C	D
7.b.3	VOR, VOR/DME, TACAN approach, all engines(s) operating and with one or more engine(s) inoperative	X	X	X	X
7.b.4	RNAV / RNP / GNSS (RNP at nominal and minimum authorized temperatures) approach, all engine(s) operating and with one or more engine(s) inoperative	X	X	X	X
7.b.5	ILS LLZ (LOC), LLZ back course (or LOC-BC) approach, all engine(s) operating and with one or more engine(s) inoperative	X	X	X	X
7.b.6	ILS offset localizer approach, all engine(s) operating and with one or more engine(s) inoperative	X	X	X	X
7.c	**Approach procedures with vertical guidance (APV), e.g. SBAS, flight path vector**				
7.c.1	APV/baro-VNAV approach, all engine(s) operating and with one or more engine(s) inoperative			X	X
7.c.2	Area navigation (RNAV) approach procedures based on SBAS, all engine(s) operating and with one or more engine(s) inoperative			X	X
8.	**Visual Approaches (Visual Segment) And Landings.** Flight simulators with visual systems, which permit completing a special approach procedure in accordance with applicable regulations, may be approved for that particular approach procedure.				
8.a.	Maneuvering, normal approach and landing, all engines operating with and without visual approach aid guidance	X	X	X	X
8.b.	Approach and landing with one or more engines inoperative	X	X	X	X
8.c.	Operation of landing gear, flap/slats and speedbrakes (normal and abnormal)	X	X	X	X
8.d.1	Approach and landing with crosswind (max. demonstrated)	X	X	X	X
8.d.2	Approach and landing with gusting crosswind			X	X
8.e.	Approach and landing with flight control system failures, reconfiguration modes, manual reversion and associated handling (most significant degradation which is probable)	X	X	X	X
8.e.1.	Approach and landing with trim malfunctions	X	X	X	X
8.e.1.a	Longitudinal trim malfunction	X	X	X	X
8.e.1.b	Lateral-directional trim malfunction	X	X	X	X
8.f.	Approach and landing with standby (minimum) electrical/hydraulic power	X	X	X	X
8.g.	Approach and landing from circling conditions (circling approach)	X	X	X	X
8.h.	Approach and landing from visual traffic pattern	X	X	X	X
8.i.	Approach and landing from non-precision approach	X	X	X	X
8.j.	Approach and landing from precision approach	X	X	X	X
8.k.	Other				

Table A3A - Functions And Subjective Tests

QPS REQUIREMENTS

Entry Number	Operations Tasks	Simulator Level			
		A	B	C	D
9.	**Missed Approach.**				
9.a.	All engines, manual and autopilot.	X	X	X	X
9.b.	Engine(s) inoperative, manual and autopilot.	X	X	X	X
9.c.	Rejected landing			X	X
9.d.	With flight control system failures, reconfiguration modes, manual reversion and associated handling	X	X	X	X
9.e.	Bounced landing recovery			X	X
10.	**Surface Operations (landing, after-landing and post-flight).**				
10.a	**Landing roll and taxi**				
10.a.1	HUD/EFVS			X	X
10.a.2.	Spoiler operation	X	X	X	X
10.a.3.	Reverse thrust operation	X	X	X	X
10.a.4.	Directional control and ground handling, both with and without reverse thrust		X	X	X
10.a.5.	Reduction of rudder effectiveness with increased reverse thrust (rear pod-mounted engines)		X	X	X
10.a.6.	Brake and anti-skid operation				
10.a.6.a	Brake and anti-skid operation with dry, patchy wet, wet on rubber residue, and patchy icy conditions			X	X
10.a.6.b	Reserved				
10.a.6.c	Brake operation	X	X		
10.a.6.d	Auto-braking system operation	X	X	X	X
10.a.7	Other				
10.b	**Engine shutdown and parking**				
10.b.1	Engine and systems operation	X	X	X	X
10.b.2	Parking brake operation	X	X	X	X
10.b.3	Other				
11.	**Any Flight Phase.**				
11.a.	**Airplane and engine systems operation (where fitted)**				
11.a.1.	Air conditioning and pressurization (ECS)	X	X	X	X
11.a.2.	De-icing/anti-icing	X	X	X	X
11.a.3.	Auxiliary power unit (APU).	X	X	X	X
11.a.4.	Communications	X	X	X	X
11.a.5.	Electrical	X	X	X	X
11.a.6.	Fire and smoke detection and suppression	X	X	X	X
11.a.7.	Flight controls (primary and secondary)	X	X	X	X
11.a.8.	Fuel and oil	X	X	X	X
11.a.9.	Hydraulic	X	X	X	X
11.a.10.	Pneumatic	X	X	X	X
11.a.11.	Landing gear	X	X	X	X
11.a.12.	Oxygen	X	X	X	X
11.a.13.	Engine	X	X	X	X

Table A3A - Functions And Subjective Tests

QPS REQUIREMENTS

Entry Number	Operations Tasks	Simulator Level			
		A	B	C	D
11.a.14.	Airborne radar	X	X	X	X
11.a.15.	Autopilot and Flight Director	X	X	X	X
11.a.16.	Terrain awareness warning systems and collision avoidance systems (e.g. EGPWS, GPWS, TCAS)	X	X	X	X
11.a.17.	Flight control computers including stability and control augmentation	X	X	X	X
11.a.18.	Flight display systems	X	X	X	X
11.a.19.	Flight management computers	X	X	X	X
11.a.20.	Head-up displays (including EFVS, if appropriate)	X	X	X	X
11.a.21.	Navigation systems	X	X	X	X
11.a.22.	Stall warning/avoidance	X	X	X	X
11.a.23.	Wind shear avoidance/recovery guidance equipment	X	X	X	X
11.a.24.	Flight envelope protections	X	X	X	X
11.a.25.	Electronic flight bag			X	X
11.a.26.	Automatic checklists (normal, abnormal and emergency procedures)			X	X
11.a.27.	Runway alerting and advisory system			X	X
11.a.28.	Other				
11.b.	**Airborne procedures**				
11.b.1.	Holding	X	X	X	X
11.b.2.	Air hazard avoidance (traffic, weather, including visual correlation)			X	X
11.b.3.	Windshear				
11.b.3.a	Prior to take-off rotation			X	X
11.b.3.b	At lift-off			X	X
11.b.3.c	During initial climb			X	X
11.b.3.d	On final approach, below 150 m (500 ft) AGL			X	X
11.b.4.	Effects of airframe ice			X	X

Table A3B - Functions and Subjective Tests					
QPS REQUIREMENTS					
Entry Number	For Qualification At The Stated Level Class I Airport Models	Simulator Level			
		A	B	C	D
This table specifies the minimum airport model content and functionality to qualify a simulator at the indicated level. This table applies only to the airport models required for simulator qualification; i.e., one airport model for Level A and Level B simulators; three airport models for Level C and Level D simulators.					
Begin QPS Requirements					
1.	**Functional test content requirements for Level A and Level B simulators.** The following is the minimum airport model content requirement to satisfy visual capability tests, and provides suitable visual cues to allow completion of all functions and subjective tests described in this attachment for simulators at Levels A and B.				
1.a.	A minimum of one (1) representative airport model. This model identification must be acceptable to the sponsor's TPAA, selectable from the IOS, and listed on the SOQ.	**X**	**X**		
1.b.	The fidelity of the airport model must be sufficient for the aircrew to visually identify the airport; determine the position of the simulated airplane within a night visual scene; successfully accomplish take-offs, approaches, and landings; and maneuver around the airport on the ground as necessary.	**X**	**X**		
1.c.	Runways:	**X**	**X**		
1.c.1.	Visible runway number.	**X**	**X**		
1.c.2.	Runway threshold elevations and locations must be modeled to provide sufficient correlation with airplane systems (e.g., altimeter).	**X**	**X**		
1.c.3.	Runway surface and markings.	**X**	**X**		
1.c.4.	Lighting for the runway in use including runway edge and centerline.	**X**	**X**		
1.c.5.	Lighting, visual approach aid and approach lighting of appropriate colors.	**X**	**X**		
1.c.6.	Representative taxiway lights.	**X**	**X**		
2.a.	**Additional functional test content requirements**				
2.a.1	**Airport scenes**				
2.a.1.a	A minimum of three (3) real-world airport models to be consistent with published data used for airplane operations and capable of demonstrating all the visual system features below. Each model should be in a different visual scene to permit assessment of FSTD automatic visual scene changes. The model identifications must be acceptable to the sponsor's TPAA, selectable from the IOS, and listed on the SOQ.			**X**	**X**
2.a.1.b	Reserved				
2.a.1.c	Reserved				
2.a.1.d	**Airport model content.** For circling approaches, all tests apply to the runway used for the initial approach and to the runway of intended landing. If all runways in an airport model used to meet the requirements of this	**X**	**X**	**X**	**X**

Table A3B - Functions and Subjective Tests					
QPS REQUIREMENTS					
Entry Number	**For Qualification At The Stated Level** **Class I Airport Models**	**Simulator Level**			
		A	**B**	**C**	**D**
	attachment are not designated as "in use," then the "in use" runways must be listed on the SOQ (e.g., KORD, Rwys 9R, 14L, 22R). Models of airports with more than one runway must have all significant runways not "in-use" visually depicted for airport and runway recognition purposes. The use of white or off white light strings that identify the runway threshold, edges, and ends for twilight and night scenes are acceptable for this requirement. Rectangular surface depictions are acceptable for daylight scenes. A visual system's capabilities must be balanced between providing airport models with an accurate representation of the airport and a realistic representation of the surrounding environment. Airport model detail must be developed using airport pictures, construction drawings and maps, or other similar data, or developed in accordance with published regulatory material; however, this does not require that such models contain details that are beyond the design capability of the currently qualified visual system. Only one "primary" taxi route from parking to the runway end will be required for each "in-use" runway.				
2.a.2	**Visual scene fidelity.**				
2.a.2.a	The visual scene must correctly represent the parts of the airport and its surroundings used in the training program.	X	X	X	X
2.a.2.b	Reserved				
2.a.2.c	Reserved				
2.a.3	**Runways and taxiways.**				
2.a.3.a	Airport specific runways and taxiways.	X	X	X	X
2.a.3.b	Reserved				
2.a.3.c	Reserved				
2.a.4	If appropriate to the airport, two parallel runways and one crossing runway displayed simultaneously; at least two runways must be capable of being lit simultaneously.			X	X
2.a.5	Runway threshold elevations and locations must be modeled to provide correlation with airplane systems (e.g. HUD, GPS, compass, altimeter).			X	X
2.a.6	Slopes in runways, taxiways, and ramp areas must not cause distracting or unrealistic effects, including pilot eye-point height variation.			X	X
2.a.7	**Runway surface and markings for each "in-use" runway must include the following, if appropriate:**				
2.a.7.a	Threshold markings.	X	X	X	X
2.a.7.b	Runway numbers.	X	X	X	X
2.a.7.c	Touchdown zone markings.	X	X	X	X
2.a.7.d	Fixed distance markings.	X	X	X	X

Table A3B - Functions and Subjective Tests					
QPS REQUIREMENTS					
Entry Number	For Qualification At The Stated Level Class I Airport Models	Simulator Level			
		A	B	C	D
2.a.7.e	Edge markings.	X	X	X	X
2.a.7.f	Center line markings.	X	X	X	X
2.a.7.g	Distance remaining signs.	X	X	X	X
2.a.7.h	Signs at intersecting runways and taxiways.	X	X	X	X
2.a.7.i	Windsock that gives appropriate wind cues.			X	X
2.a.8	**Runway lighting of appropriate colors, directionality, behavior and spacing for the "in-use" runway including the following:**				
2.a.8.a	Threshold lights.	X	X	X	X
2.a.8.b	Edge lights.	X	X	X	X
2.a.8.c	End lights.	X	X	X	X
2.a.8.d	Center line lights.	X	X	X	X
2.a.8.e	Touchdown zone lights.	X	X	X	X
2.a.8.f	Lead-off lights.	X	X	X	X
2.a.8.g	Appropriate visual landing aid(s) for that runway.	X	X	X	X
2.a.8.h	Appropriate approach lighting system for that runway.	X	X	X	X
2.a.9	**Taxiway surface and markings (associated with each "in-use" runway):**				
2.a.9.a	Edge markings	X	X	X	X
2.a.9.b	Center line markings.	X	X	X	X
2.a.9.c	Runway holding position markings.	X	X	X	X
2.a.9.d	ILS critical area markings.	X	X	X	X
2.a.9.e	All taxiway markings, lighting, and signage to taxi, as a minimum, from a designated parking position to a designated runway and return, after landing on the designated runway, to a designated parking position; a low visibility taxi route (e.g. surface movement guidance control system, follow-me truck, daylight taxi lights) must also be demonstrated at one airport model for those operations authorized in low visibilities. The designated runway and taxi routing must be consistent with that airport for operations in low visibilities. The qualification of surface movement guidance control systems (SMGCS) is optional at the request of the FSTD sponsor. For the qualification of SMGCS, a demonstration model must be provided for evaluation.				X
2.a.10	**Taxiway lighting of appropriate colors, directionality, behavior and spacing (associated with each "in-use" runway):**				
2.a.10.a	Edge lights.	X	X	X	X
2.a.10.b	Center line lights.	X	X	X	X
2.a.10.c	Runway holding position and ILS critical area lights.	X	X	X	X
2.a.11	**Required visual model correlation with other aspects of the airport environment simulation.**				
2.a.11.a	The airport model must be properly aligned with the navigational aids that are associated with operations at the runway "in-use".	X	X	X	X

Table A3B - Functions and Subjective Tests					
QPS REQUIREMENTS					
Entry Number	For Qualification At The Stated Level Class I Airport Models	Simulator Level			
		A	B	C	D
2.a.11.b	The simulation of runway contaminants must be correlated with the displayed runway surface and lighting.				X
2.a.12	**Airport buildings, structures and lighting.**				
2.a.12.a	Buildings, structures and lighting:				
2.a.12.a.1	Airport specific buildings, structures and lighting.			X	X
2.a.12.a.2	Reserved				
2.a.12.a.3	Reserved				
2.a.12.b	At least one useable gate, set at the appropriate height (required only for those airplanes that typically operate from terminal gates).			X	X
2.a.12.c	Representative moving and static airport clutter (e.g. other airplanes, power carts, tugs, fuel trucks, additional gates).			X	X
2.a.12.d	Gate/apron markings (e.g. hazard markings, lead-in lines, gate numbering), lighting and gate docking aids or a marshaller.			X	X
2.a.13	**Terrain and obstacles.**				
2.a.13.a	Terrain and obstacles within 46 km (25 NM) of the reference airport.			X	X
2.a.13.b	Reserved				
2.a.14	**Significant, identifiable natural and cultural features and moving airborne traffic.**				
2.a.14.a	Significant, identifiable natural and cultural features within 46 km (25 NM) of the reference airport. *Note.— This refers to natural and cultural features that are typically used for pilot orientation in flight. Outlying airports not intended for landing need only provide a reasonable facsimile of runway orientation.*			X	X
2.a.14.b	Reserved				
2.a.14.c	Representative moving airborne traffic (including the capability to present air hazards – e.g. airborne traffic on a possible collision course).			X	X
2.b	**Visual scene management.**				
2.b.1	All airport runway, approach and taxiway lighting and cultural lighting intensity for any approach must be capable of being set to six (6) different intensities (0 to 5); all visual scene light points should fade into view appropriately.			X	X
2.b.2	Airport runway, approach and taxiway lighting and cultural lighting intensity for any approach must be set at an intensity representative of that used in training for the visibility set; all visual scene light points should fade into view appropriately.	X	X		
2.b.3	The directionality of strobe lights, approach lights, runway edge lights, visual landing aids, runway center line lights, threshold lights, and touchdown zone lights on the runway of intended landing must be realistically replicated.	X	X	X	X
2.c	**Visual feature recognition.**				

Table A3B - Functions and Subjective Tests

QPS REQUIREMENTS

Entry Number	For Qualification At The Stated Level Class I Airport Models	Simulator Level			
		A	B	C	D
	Note.— The following are the minimum distances at which runway features should be visible. Distances are measured from runway threshold to an airplane aligned with the runway on an extended 3-degree glide slope in suitable simulated meteorological conditions. For circling approaches, all tests below apply both to the runway used for the initial approach and to the runway of intended landing.				
2.c.1	Runway definition, strobe lights, approach lights, and runway edge white lights from 8 km (5 sm) of the runway threshold.	X	X	X	X
2.c.2	**Visual approach aids lights.**				
2.c.2.a	Visual approach aids lights from 8 km (5 sm) of the runway threshold.			X	X
2.c.2.b	Visual approach aids lights from 4.8 km (3 sm) of the runway threshold.	X	X		
2.c.3	Runway center line lights and taxiway definition from 4.8 km (3 sm).	X	X	X	X
2.c.4	Threshold lights and touchdown zone lights from 3.2 km (2 sm).	X	X	X	X
2.c.5	Runway markings within range of landing lights for night scenes; as required by the surface resolution test on day scenes.	X	X	X	X
2.c.6	For circling approaches, the runway of intended landing and associated lighting must fade into view in a non-distracting manner.	X	X	X	X
2.d	**Selectable airport visual scene capability for:**				
2.d.1	Night.	X	X	X	X
2.d.2	Twilight.			X	X
2.d.3	Day.			X	X
2.d.4	Dynamic effects — the capability to present multiple ground and air hazards such as another airplane crossing the active runway or converging airborne traffic; hazards should be selectable via controls at the instructor station.			X	X
2.d.5	Illusions — operational visual scenes which portray representative physical relationships known to cause landing illusions, for example short runways, landing approaches over water, uphill or downhill runways, rising terrain on the approach path and unique topographic features. *Note.— Illusions may be demonstrated at a generic airport or at a specific airport.*				X
2.e	**Correlation with airplane and associated equipment.**				
2.e.1	Visual cues to relate to actual airplane responses.	X	X	X	X
2.e.2	**Visual cues during take-off, approach and landing.**				
2.e.2.a	Visual cues to assess sink rate and depth perception during landings.		X	X	X
2.e.2.b	Visual cueing sufficient to support changes in approach path by using runway perspective. Changes in visual cues during take-off, approach and landing should not distract the pilot.	X	X	X	X

Table A3B - Functions and Subjective Tests					
QPS REQUIREMENTS					
Entry Number	For Qualification At The Stated Level Class I Airport Models	Simulator Level			
		A	B	C	D
2.e.3	Accurate portrayal of environment relating to airplane attitudes.	X	X	X	X
2.e.4	The visual scene must correlate with integrated airplane systems, where fitted (e.g. terrain, traffic and weather avoidance systems and HUD/EFVS).			X	X
2.e.5	The effect of rain removal devices must be provided.			X	X
2.f	**Scene quality.**				
2.f.1	**Quantization.**				
2.f.1.a	Surfaces and textural cues must be free from apparent quantization (aliasing).			X	X
2.f.1.b	Surfaces and textural cues must not create distracting quantization (aliasing).	X	X		
2.f.2	System capable of portraying full color realistic textural cues.			X	X
2.f.3	The system light points must be free from distracting jitter, smearing or streaking.	X	X	X	X
2.f.4	System capable of providing representative focus effects that simulate rain (e.g. reduced visibility and object resolution in the out the window view as a result of rain).			X	X
2.f.5	System capable of providing light point perspective growth (e.g. relative size of runway and taxiway edge lights increase as the lights are approached).			X	X
2.g	**Environmental effects.**				
2.g.1	The displayed scene must correspond to the appropriate surface contaminants and include runway lighting reflections for wet, partially obscured lights for snow, or suitable alternative effects.			X	X
2.g.2	Special weather representations which include the sound, motion and visual effects of light, medium and heavy precipitation near a thunderstorm on take-off, approach and landings at and below an altitude of 600 m (2 000 ft) above the airport surface and within a radius of 16 km (10 sm) from the airport.			X	X
2.g.3	One airport with a snow scene to include terrain snow and snow-covered taxiways and runways.			X	X
2.g.4	In-cloud effects such as variable cloud density, speed cues and ambient changes should be provided.			X	X
2.g.5	The effect of multiple cloud layers representing few, scattered, broken and overcast conditions giving partial or complete obstruction of the ground scene.			X	X
2.g.6	Gradual break-out to ambient visibility/RVR, defined as up to 10% of the respective cloud base or top, 20 ft ≤ transition layer ≤ 200 ft; cloud effects should be checked at and below a height of 600 m (2 000 ft) above the airport and within a radius of 16 km (10 sm) from the airport. Transition effects should be complete when the IOS cloud base or top is reached when exiting and start when entering the cloud, i.e. transition effects should occur			X	X

Table A3B - Functions and Subjective Tests					
QPS REQUIREMENTS					
Entry Number	For Qualification At The Stated Level Class I Airport Models	Simulator Level			
		A	B	C	D
	within the IOS defined cloud layer.				
2.g.7	Visibility and RVR measured in terms of distance. Visibility/RVR must be checked at and below a height of 600 m (2 000 ft) above the airport and within a radius of 16 km (10 sm) from the airport.	X	X	X	X
2.g.8	Patchy fog (sometimes referred to as patchy RVR) giving the effect of variable RVR. The lowest RVR should be that selected on the IOS, ie. variability is only greater than the IOS RVR.			X	X
2.g.9	Effects of fog on airport lighting such as halos and defocus.			X	X
2.g.10	Effect of ownship lighting in reduced visibility, such as reflected glare, to include landing lights, strobes, and beacons.			X	X
2.g.11	Wind cues to provide the effect of blowing snow or sand across a dry runway or taxiway should be selectable from the instructor station.			X	X
	End QPS Requirement				
	Begin Information				
3.	An example of being able to “combine two airport models to achieve two “in-use” runways: One runway designated as the “in use” runway in the first model of the airport, and the second runway designated as the “in use” runway in the second model of the same airport. For example, the clearance is for the ILS approach to Runway 27, Circle to Land on Runway 18 right. Two airport visual models might be used: the first with Runway 27 designated as the “in use” runway for the approach to runway 27, and the second with Runway 18 Right designated as the “in use” runway. When the pilot breaks off the ILS approach to runway 27, the instructor may change to the second airport visual model in which runway 18 Right is designated as the “in use” runway, and the pilot would make a visual approach and landing. This process is acceptable to the FAA as long as the temporary interruption due to the visual model change is not distracting to the pilot, does not cause changes in navigational radio frequencies, and does not cause undue instructor/evaluator time.				
4.	Sponsors are not required to provide every detail of a runway, but the detail that is provided should be correct within the capabilities of the system. **End Information**				

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Table A3D - Functions and Subjective Tests						
QPS REQUIREMENTS						INFORMATION
Entry Number	Motion System Effects	Simulator Level				Notes
		A	B	C	D	
This table specifies motion effects that are required to indicate when a flight crewmember must be able to recognize an event or situation. Where applicable, flight simulator pitch, side loading and directional control characteristics must be representative of the airplane.						
1.	**Taxiing effects such as lateral, longitudinal, and directional cues resulting from steering and braking inputs. Runway contamination with associated anti-skid and taxiway characteristics.**			X	X	
2.	**Runway rumble, oleo deflection, ground speed, uneven runway, runway/taxiway centerline light characteristics:** Procedure: After the airplane has been pre-set to the takeoff position and then released, taxi at various speeds with a smooth runway and note the general characteristics of the simulated runway rumble effects of oleo deflections. Repeat the maneuver with a runway roughness of 50%, then with maximum roughness. Note the associated motion vibrations affected by ground speed and runway roughness.		X	X	X	Different gross weights can also be selected, which may also affect the associated vibrations depending on airplane type. The associated motion effects for the above tests should also include an assessment of the effects of rolling over centerline lights, surface discontinuities of uneven runways, and various taxiway characteristics.
3.	**Buffets on the ground due to spoiler/speedbrake extension and reverse thrust:** Procedure: Perform a normal landing and use ground spoilers and reverse thrust – either individually or in combination – to	X	X	X	X	

Table A3D - Functions and Subjective Tests						
QPS REQUIREMENTS						INFORMATION
Entry Number	Motion System Effects	Simulator Level				Notes
		A	B	C	D	
	decelerate the simulated airplane. Do not use wheel braking so that only the buffet due to the ground spoilers and thrust reversers is felt.					
4.	**Bumps associated with the landing gear:** Procedure: Perform a normal take-off paying special attention to the bumps that could be perceptible due to maximum oleo extension after lift-off. When the landing gear is extended or retracted, motion bumps can be felt when the gear locks into position.	X	X	X	X	
5.	**Buffet during extension and retraction of landing gear:** Procedure: Operate the landing gear. Check that the motion cues of the buffet experienced represent the actual airplane.	X	X	X	X	
6.	**Buffet in the air due to flap and spoiler/speedbrake extension:** Procedure: Perform an approach and extend the flaps and slats with airspeeds deliberately in excess of the normal approach speeds. In cruise configuration, verify the buffets associated with the spoiler/speedbrake extension. The above effects can also be verified with different combinations of spoiler/speedbrake, flap, and landing gear settings to assess the interaction effects.	X	X	X	X	

Table A3D - Functions and Subjective Tests						
QPS REQUIREMENTS						**INFORMATION**
Entry Number	**Motion System Effects**	**Simulator Level**				**Notes**
		A	**B**	**C**	**D**	
7.	**Buffet due to atmospheric disturbances** (e.g. buffet due to turbulence, windshear, proximity to thunderstorms, gusting winds, etc.).			**X**	**X**	
8.	**Approach to stall buffet and stall buffet (where applicable):** Procedure: Conduct an approach-to-stall with engines at idle and a deceleration of 1 knot/second. Check that the motion cues of the buffet, including the level of buffet increase with decreasing speed, are representative of the actual airplane.	**X**	**X**	**X**	**X**	For FSTDs qualified for full stall training tasks, modeling that accounts for any increase in buffet amplitude from initial buffet threshold of perception to critical angle of attack or deterrent buffet as a function of angle of attack. The stall buffet modeling should include effects of Nz, as well as Nx and Ny if relevant.
9.	**Touchdown cues for main and nose gear:** Procedure: Conduct several normal approaches with various rates of descent. Check that the motion cues for the touchdown bumps for each descent rate are representative of the actual airplane.	**X**	**X**	**X**	**X**	
10.	**Nosewheel scuffing:** Procedure: Taxi at various ground speeds and manipulate the nosewheel steering to cause yaw rates to develop that cause the		**X**	**X**	**X**	

Table A3D - Functions and Subjective Tests

QPS REQUIREMENTS						INFORMATION
		Simulator Level				
Entry Number	**Motion System Effects**	**A**	**B**	**C**	**D**	**Notes**
	nosewheel to vibrate against the ground ("scuffing"). Evaluate the speed/nosewheel combination needed to produce scuffing and check that the resultant vibrations are representative of the actual airplane.					
11.	**Thrust effect with brakes set:** Procedure: Set the brakes on at the take-off point and increase the engine power until buffet is experienced. Evaluate its characteristics. Confirm that the buffet increases appropriately with increasing engine thrust.	X	X	X	X	This effect is most discernible with wing-mounted engines.
12.	**Mach and maneuver buffet:** Procedure: With the simulated airplane trimmed in 1 g flight while at high altitude, increase the engine power so that the Mach number exceeds the documented value at which Mach buffet is experienced. Check that the buffet begins at the same Mach number as it does in the airplane (for the same configuration) and that buffet levels are representative of the actual airplane. For certain airplanes, maneuver buffet can also be verified for the same effects. Maneuver buffet can occur during turning flight at conditions greater than 1 g, particularly at higher altitudes.		X	X	X	
13.	**Tire failure dynamics:**			X	X	The pilot may notice some yawing with a multiple tire

Table A3D - Functions and Subjective Tests						
QPS REQUIREMENTS						INFORMATION
Entry Number	Motion System Effects	Simulator Level				Notes
		A	B	C	D	
	Procedure: Simulate a single tire failure and a multiple tire failure.					failure selected on the same side. This should require the use of the rudder to maintain control of the airplane. Dependent on airplane type, a single tire failure may not be noticed by the pilot and should not have any special motion effect. Sound or vibration may be associated with the actual tire losing pressure.
14.	**Engine failures, malfunction, engine, and airframe structural damage:** Procedure: The characteristics of an engine malfunction as stipulated in the malfunction definition document for the particular flight simulator must describe the special motion effects felt by the pilot. Note the associated engine instruments varying according to the nature of the malfunction and note the replication of the effects of the airframe vibration.		X	X	X	
15.	**Tail strikes, engine pod/propeller, wing strikes:** Procedure: Tail-strikes can be checked by over-rotation of the airplane at a speed below V_r while performing a takeoff. The		X	X	X	The motion effect should be felt as a noticeable bump. If the tail strike affects the airplane angular rates, the

Table A3D - Functions and Subjective Tests

QPS REQUIREMENTS						INFORMATION
Entry Number	Motion System Effects	Simulator Level				Notes
		A	B	C	D	
	effects can also be verified during a landing. Excessive banking of the airplane during its take-off/landing roll can cause a pod strike.					cueing provided by the motion system should have an associated effect.

* * * * *

Table A3F - Functions and Subjective Tests					
QPS REQUIREMENTS					
Entry Number	Special Effects	Simulator Level			
		A	B	C	D
This table specifies the minimum special effects necessary for the specified simulator level.					
1.	**Braking Dynamics:** Representations of the dynamics of brake failure (flight simulator pitch, side-loading, and directional control characteristics representative of the airplane), including antiskid and decreased brake efficiency due to high brake temperatures (based on airplane related data), sufficient to enable pilot identification of the problem and implementation of appropriate procedures.			X	X
2.	**Effects of Airframe and Engine Icing:** **Required only for those airplanes authorized for operations in known icing conditions.** Procedure: With the simulator airborne, autopilot on and auto-throttles off, engine and airfoil anti-ice/de-ice systems deactivated; activate icing conditions at a rate that allows monitoring of simulator and systems response. Icing recognition will typically include airspeed decay, change in simulator pitch attitude, change in engine performance indications (other than due to airspeed changes), and change in data from pilot/static system. Activate heating, anti-ice, or de-ice systems independently. Recognition will include proper effects of these systems, eventually returning the simulated airplane to normal flight. See Table A1A, section 2.j. and Attachment 7 for additional requirements.			X	X

* * * * *

■ 3. Correct the tables appearing on pages 18308–18326 to read as follows:

Table B1A – Minimum FTD Requirements						
QPS REQUIREMENTS						INFORMATION
Entry Number	General FTD Requirements	FTD Level				Notes
		4	5	6	7	
1. General Flight deck Configuration.						
1.a.	The FTD must have a flight deck that is a replica of the airplane simulated with controls, equipment, observable flight deck indicators, circuit breakers, and bulkheads properly located, functionally accurate and replicating the airplane. The direction of movement of controls and switches must be identical to that in the airplane. Pilot seat(s) must afford the capability for the occupant to be able to achieve the design "eye position." Equipment for the operation of the flight deck windows must be included, but the actual windows need not be operable. Fire axes, extinguishers, and spare light bulbs must be available in the flight FTD, but may be relocated to a suitable location as near as practical to the original position. Fire axes, landing gear pins, and any similar purpose instruments need only be represented in silhouette. The use of electronically displayed images with physical overlay or masking for FTD instruments and/or instrument panels is acceptable provided: (1) All instruments and instrument panel layouts are dimensionally correct with differences, if any, being imperceptible to the pilot; (2) Instruments replicate those of the airplane including full instrument functionality and embedded logic; (3) Instruments displayed are free of quantization (stepping); (4) Instrument display characteristics replicate those of the airplane including: resolution, colors, luminance, brightness, fonts, fill patterns, line styles and symbology;			X	X	For FTD purposes, the flight deck consists of all that space forward of a cross section of the fuselage at the most extreme aft setting of the pilots' seats including additional, required flight crewmember duty stations and those required bulkheads aft of the pilot seats. For clarification, bulkheads containing only items such as landing gear pin storage compartments, fire axes and extinguishers, spare light bulbs, aircraft documents pouches are not considered essential and may be omitted. For Level 6 FTDs, flight deck window panes may be omitted where non-distracting and subjectively acceptable to

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
	(5) Overlay or masking, including bezels and bugs, as applicable, replicates the airplane panel(s); (6) Instrument controls and switches replicate and operate with the same technique, effort, travel and in the same direction as those in the airplane; (7) Instrument lighting replicates that of the airplane and is operated from the FSTD control for that lighting and, if applicable, is at a level commensurate with other lighting operated by that same control; and (8) As applicable, instruments must have faceplates that replicate those in the airplane; and Level 7 FTD only; The display image of any three dimensional instrument, such as an electro-mechanical instrument, should appear to have the same three dimensional depth as the replicated instrument. The appearance of the simulated instrument, when viewed from the principle operator's angle, should replicate that of the actual airplane instrument. Any instrument reading inaccuracy due to viewing angle and parallax present in the actual airplane instrument should be duplicated in the simulated instrument display image. Viewing angle error and parallax must be minimized on shared instruments such and engine displays and standby indicators.					conduct qualified training tasks.
1.b.	The FTD must have equipment (e.g., instruments, panels, systems, circuit breakers, and controls) simulated sufficiently for the authorized training/checking events to be accomplished. The installed equipment must be located in a spatially correct location and may be in a flight deck or an open flight deck area. Additional equipment required for the authorized	X	X			

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
	training/checking events must be available in the FTD, but may be located in a suitable location as near as practical to the spatially correct position. Actuation of equipment must replicate the appropriate function in the airplane. Fire axes, landing gear pins, and any similar purpose instruments need only be represented in silhouette.					
1.c.	Those circuit breakers that affect procedures or result in observable flight deck indications must be properly located and functionally accurate.				**X**	
2. Programming.						
2.a.1	The FTD must provide the proper effect of aerodynamic changes for the combinations of drag and thrust normally encountered in flight. This must include the effect of change in airplane attitude, thrust, drag, altitude, temperature, and configuration. Level 6 additionally requires the effects of changes in gross weight and center of gravity. Level 5 requires only generic aerodynamic programming. An SOC is required.		**X**	**X**		
2.a.2	A flight dynamics model that accounts for various combinations of drag and thrust normally encountered in flight must correspond to actual flight conditions, including the effect of change in airplane attitude, thrust, drag, altitude, temperature, gross weight, moments of inertia, center of gravity location, and configuration. The effects of pitch attitude and of fuel slosh on the aircraft center of gravity must be simulated.				**X**	

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
	An SOC is required.					
2.b.	The FTD must have the computer capacity, accuracy, resolution, and dynamic response needed to meet the qualification level sought. An SOC is required.	**X**	**X**	**X**	**X**	
2.c.1	Relative responses of the flight deck instruments must be measured by latency tests, or transport delay tests, and may not exceed 300 milliseconds. The instruments must respond to abrupt input at the pilot's position within the allotted time, but not before the time when the airplane responds under the same conditions. (1) Latency: The FTD instrument and, if applicable, the motion system and the visual system response must not be prior to that time when the airplane responds and may respond up to 300 milliseconds after that time under the same conditions. (2) Transport Delay: As an alternative to the Latency requirement, a transport delay objective test may be used to demonstrate that the FTD system does not exceed the specified limit. The sponsor must measure all the delay encountered by a step signal migrating from the pilot's control through all the simulation software modules in the correct order, using a handshaking protocol, finally through the normal output interfaces to the instrument display and, if applicable, the motion system, and the visual system.		**X**	**X**		The intent is to verify that the FTD provides instrument cues that are, within the stated time delays, like the airplane responses. For airplane response, acceleration in the appropriate, corresponding rotational axis is preferred. Additional information regarding Latency and Transport Delay testing may be found in Appendix A, Attachment 2, paragraph 15.
2.c.2.	Relative responses of the motion system, visual system, and flight deck instruments, measured by latency tests or transport delay tests. Motion onset should occur before the start of the visual scene change (the start of the scan of the first video field containing different information) but must occur before				**X**	The intent is to verify that the FTD provides instrument, motion, and visual cues that are, within the stated time

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
	the end of the scan of that video field. Instrument response may not occur prior to motion onset. Test results must be within the following limits: 100 ms for the motion (if installed) and instrument systems; and 120 ms for the visual system.					delays, like the airplane responses. For airplane response, acceleration in the appropriate, corresponding rotational axis is preferred.
2.d.	Ground handling and aerodynamic programming must include the following:					
2.d.1.	Ground effect.				**X**	Ground effect includes modeling that accounts for roundout, flare, touchdown, lift, drag, pitching moment, trim, and power while in ground effect.
2.d.2.	Ground reaction.				**X**	Ground reaction includes modeling that accounts for strut deflections, tire friction, and side forces. This is the reaction of the airplane upon contact with the runway during landing, and may differ with changes in factors such as gross weight, airspeed, or rate of descent on touchdown.
2.d.3.	Ground handling characteristics, including aerodynamic and ground reaction modeling including steering inputs, operations with crosswind, gusting crosswind, braking, thrust reversing, deceleration, and turning radius.				**X**	

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
2.e.	If the aircraft being simulated is one of the aircraft listed in § 121.358, Low-altitude windshear system equipment requirements, the FTD must employ windshear models that provide training for recognition of windshear phenomena and the execution of recovery procedures. Models must be available to the instructor/evaluator for the following critical phases of flight: (1) Prior to takeoff rotation; (2) At liftoff; (3) During initial climb; and (4) On final approach, below 500 ft AGL. The QTG must reference the FAA Windshear Training Aid or present alternate airplane related data, including the implementation method(s) used. If the alternate method is selected, wind models from the Royal Aerospace Establishment (RAE), the Joint Airport Weather Studies (JAWS) Project and other recognized sources may be implemented, but must be supported and properly referenced in the QTG. The addition of realistic levels of turbulence associated with each required windshear profile must be available and selectable to the instructor. In addition to the four basic windshear models required for qualification, at least two additional "complex" windshear models must be available to the instructor which represent the complexity of actual windshear encounters. These models must be available in the takeoff and landing configurations and must consist of independent variable winds in multiple simultaneous components. The Windshear Training Aid provides two such example "complex" windshear models that may be used to satisfy this requirement.				X	Windshear models may consist of independent variable winds in multiple simultaneous components. The FAA Windshear Training Aid presents one acceptable means of compliance with FTD wind model requirements. The FTD should employ a method to ensure the required survivable and non-survivable windshear scenarios are repeatable in the training environment. For Level 7 FTDs, windshear training tasks may only be qualified for aircraft equipped with a synthetic stall warning system. The qualified windshear profile(s) are evaluated to ensure the synthetic stall warning (and not the stall buffet) is first indication of the stall.

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
2.f.	The FTD must provide for manual and automatic testing of FTD hardware and software programming to determine compliance with FTD objective tests as prescribed in Attachment 2 of this appendix. An SOC is required.				X	Automatic "flagging" of out-of-tolerance situations is encouraged.
2.g.	The FTD must accurately reproduce the following runway conditions: (1) Dry; (2) Wet; (3) Icy; (4) Patchy Wet; (5) Patchy Icy; and (6) Wet on Rubber Residue in Touchdown Zone. An SOC is required.				X	
2.h.	The FTD must simulate: (1) brake and tire failure dynamics, including antiskid failure; and (2) decreased brake efficiency due to high brake temperatures, if applicable. An SOC is required				X	FTD pitch, side loading, and directional control characteristics should be representative of the airplane.
2.i.	Engine and Airframe Icing Modeling that includes the effects of icing, where appropriate, on the airframe, aerodynamics, and the engine(s). Icing models must simulate the aerodynamic degradation effects of ice accretion on the airplane lifting surfaces including loss of lift, decrease in stall angle of attack, change in pitching moment, decrease in control effectiveness, and changes in control forces in addition to any overall increase in drag. Aircraft systems (such as				X	SOC should be provided describing the effects which provide training in the specific skills required for recognition of icing phenomena and execution of recovery. The SOC should describe the

Table B1A – Minimum FTD Requirements						
QPS REQUIREMENTS						INFORMATION
Entry Number	General FTD Requirements	FTD Level				Notes
		4	5	6	7	
	the stall protection system and autoflight system) must respond properly to ice accretion consistent with the simulated aircraft. Aircraft OEM data or other acceptable analytical methods must be utilized to develop ice accretion models that are representative of the simulated aircraft's performance degradation in a typical in-flight icing encounter. Acceptable analytical methods may include wind tunnel analysis and/or engineering analysis of the aerodynamic effects of icing on the lifting surfaces coupled with tuning and supplemental subjective assessment by a subject matter expert pilot. SOC required.					source data and any analytical methods used to develop ice accretion models including verification that these effects have been tested. Icing effects simulation models are only required for those airplanes authorized for operations in icing conditions. Icing simulation models should be developed to provide training in the specific skills required for recognition of ice accumulation and execution of the required response. See Attachment 7 of this Appendix for further guidance material.
2.j.	The aerodynamic modeling in the FTD must include: (1) Low-altitude level-flight ground effect; (2) Mach effect at high altitude; (3) Normal and reverse dynamic thrust effect on control surfaces; (4) Aeroelastic representations; and (5) Nonlinearities due to sideslip.				X	See Attachment 2 of this appendix, paragraph 5, for further information on ground effect.

Table B1A – Minimum FTD Requirements						
QPS REQUIREMENTS						INFORMATION
Entry Number	General FTD Requirements	FTD Level				Notes
		4	5	6	7	
	An SOC is required and must include references to computations of aeroelastic representations and of nonlinearities due to sideslip.					
2.k.	The FTD must have aerodynamic and ground reaction modeling for the effects of reverse thrust on directional control, if applicable. An SOC is required.				X	
3. Equipment Operation.						
3.a.	All relevant instrument indications involved in the simulation of the airplane must automatically respond to control movement or external disturbances to the simulated airplane; e.g., turbulence or windshear. Numerical values must be presented in the appropriate units. For Level 7 FTDs, instrument indications must also respond to effects resulting from icing.		X	X	X	
3.b.1.	Navigation equipment must be installed and operate within the tolerances applicable for the airplane. Levels 6 must also include communication equipment (inter-phone and air/ground) like that in the airplane and, if appropriate to the operation being conducted, an oxygen mask microphone system. Level 5 need have only that navigation equipment necessary to fly an instrument approach.		X	X		
3.b.2.	Communications, navigation, caution, and warning equipment must be installed and operate within the tolerances applicable for the airplane. Instructor control of internal and external navigational aids. Navigation aids				X	See Attachment 3 of this appendix for further information regarding long-range navigation equipment.

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	General FTD Requirements	FTD Level				Notes
		4	5	6	7	
	must be usable within range or line-of-sight without restriction, as applicable to the geographic area.					
3.b.3.	Complete navigation database for at least 3 airports with corresponding precision and non-precision approach procedures, including navigational database updates.				X	
3.c.1.	Installed systems must simulate the applicable airplane system operation, both on the ground and in flight. Installed systems must be operative to the extent that applicable normal, abnormal, and emergency operating procedures included in the sponsor's training programs can be accomplished. Level 6 must simulate all applicable airplane flight, navigation, and systems operation. Level 5 must have at least functional flight and navigational controls, displays, and instrumentation. Level 4 must have at least one airplane system installed and functional.	X	X	X		
3.c.2.	Simulated airplane systems must operate as the airplane systems operate under normal, abnormal, and emergency operating conditions on the ground and in flight. Once activated, proper systems operation must result from system management by the crew member and not require any further input from the instructor's controls.				X	Airplane system operation should be predicated on, and traceable to, the system data supplied by the airplane manufacturer, original equipment manufacturer or alternative approved data for the airplane system or component. At a minimum, alternate approved data should validate

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
						the operation of all normal, abnormal, and emergency operating procedures and training tasks the FSTD is qualified to conduct.
3.d.	The lighting environment for panels and instruments must be sufficient for the operation being conducted.	X	X	X	X	Back-lighted panels and instruments may be installed but are not required.
3.e.	The FTD must provide control forces and control travel that corresponds to the airplane being simulated. Control forces must react in the same manner as in the airplane under the same flight conditions. For Level 7 FTDs, control systems must replicate airplane operation for the normal and any non-normal modes including back-up systems and should reflect failures of associated systems. Appropriate cockpit indications and messages must be replicated.			X	X	
3.f.	The FTD must provide control forces and control travel of sufficient precision to manually fly an instrument approach.		X			
3.e.	FTD control feel dynamics must replicate the airplane. This must be determined by comparing a recording of the control feel dynamics of the FTD to airplane measurements. For initial and upgrade qualification evaluations, the control dynamic characteristics must be measured and recorded directly from the flight deck controls, and must be accomplished in takeoff, cruise, and landing flight conditions and configurations.				X	
4. Instructor or Evaluator Facilities.						
4.a.1.	In addition to the flight crewmember stations, suitable seating arrangements	X	X	X		These seats need not be a

Table B1A – Minimum FTD Requirements						
QPS REQUIREMENTS						INFORMATION
Entry Number	General FTD Requirements	FTD Level				Notes
		4	5	6	7	
	for an instructor/check airman and FAA Inspector must be available. These seats must provide adequate view of crewmember's panel(s).					replica of an aircraft seat and may be as simple as an office chair placed in an appropriate position.
4.a.2.	In addition to the flight crewmember stations, the FTD must have at least two suitable seats for the instructor/check airman and FAA inspector. These seats must provide adequate vision to the pilot's panel and forward windows. All seats other than flight crew seats need not represent those found in the airplane, but must be adequately secured to the floor and equipped with similar positive restraint devices.				**X**	The NSPM will consider alternatives to this standard for additional seats based on unique flight deck configurations.
4.b.1.	The FTD must have instructor controls that permit activation of normal, abnormal, and emergency conditions as appropriate. Once activated, proper system operation must result from system management by the crew and not require input from the instructor controls.	**X**	**X**	**X**		
4.b.2.	The FTD must have controls that enable the instructor/evaluator to control all required system variables and insert all abnormal or emergency conditions into the simulated airplane systems as described in the sponsor's FAA-approved training program; or as described in the relevant operating manual as appropriate.				**X**	
4.c.	The FTD must have instructor controls for all environmental effects expected to be available at the IOS; e.g., clouds, visibility, icing, precipitation, temperature, storm cells and microbursts, turbulence, and intermediate and high altitude wind speed and direction.				**X**	
4.d.	The FTD must provide the instructor or evaluator the ability to present ground and air hazards.				**X**	For example, another airplane crossing the active runway or converging airborne traffic.

Table B1A – Minimum FTD Requirements						
QPS REQUIREMENTS						**INFORMATION**
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
5. Motion System.						
5.a.	The FTD may have a motion system, if desired, although it is not required. If a motion system is installed and additional training, testing, or checking credits are being sought on the basis of having a motion system, the motion system operation may not be distracting and must be coupled closely to provide integrated sensory cues. The motion system must also respond to abrupt input at the pilot's position within the allotted time, but not before the time when the airplane responds under the same conditions.		**X**	**X**	**X**	The motion system standards set out in part 60, Appendix A for at least Level A simulators is acceptable.
5.b.	If a motion system is installed, it must be measured by latency tests or transport delay tests and may not exceed 300 milliseconds. Instrument response may not occur prior to motion onset.			**X**	**X**	The motion system standards set out in part 60, Appendix A for at least Level A simulators is acceptable.
6. Visual System.						
6.a.	The FTD may have a visual system, if desired, although it is not required. If a visual system is installed, it must meet the following criteria:	**X**	**X**	**X**		
6.a.1.	The visual system must respond to abrupt input at the pilot's position. An SOC is required.		**X**	**X**		
6.a.2.	The visual system must be at least a single channel, non-collimated display. An SOC is required.	**X**	**X**	**X**		
6.a.3.	The visual system must provide at least a field-of-view of 18° vertical / 24° horizontal for the pilot flying. An SOC is required.	**X**	**X**	**X**		
6.a.4.	The visual system must provide for a maximum parallax of 10° per pilot. An SOC is required.	**X**	**X**	**X**		

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	General FTD Requirements	FTD Level				Notes
		4	5	6	7	
6.a.5.	The visual scene content may not be distracting. An SOC is required.	X	X	X		
6.a.6.	The minimum distance from the pilot's eye position to the surface of a direct view display may not be less than the distance to any front panel instrument. An SOC is required.					
6.a.7.	The visual system must provide for a minimum resolution of 5 arc-minutes for both computed and displayed pixel size. An SOC is required.	X	X	X		
6.b.	If a visual system is installed and additional training, testing, or checking credits are being sought on the basis of having a visual system, a visual system meeting the standards set out for at least a Level A FFS (see Appendix A of this part) will be required. A "direct-view," non-collimated visual system (with the other requirements for a Level A visual system met) may be considered satisfactory for those installations where the visual system design "eye point" is appropriately adjusted for each pilot's position such that the parallax error is at or less than 10° simultaneously for each pilot. An SOC is required.			X		Directly projected, non-collimated visual displays may prove to be unacceptable for dual pilot applications.
6.c.	The FTD must have a visual system providing an out-of-the-flight deck view.				X	
6.d.	The FTD must provide a continuous visual field-of-view of at least176° horizontally and 36° vertically or the number of degrees necessary to meet the visual ground segment requirement, whichever is greater. The minimum horizontal field-of-view coverage must be plus and minus one-half (½) of the minimum continuous field-of-view requirement, centered on the zero degree azimuth line relative to the aircraft fuselage.				X	The horizontal field-of-view is traditionally described as a 180° field-of-view. However, the field-of-view is technically no less than 176°. Additional field-of-view capability may be added at the sponsor's

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
	An SOC is required and must explain the system geometry measurements including system linearity and field-of-view. Collimation is not required but parallax effects must be minimized (not greater than 10° for each pilot when aligned for the point midway between the left and right seat eyepoints).					discretion provided the minimum fields of view are retained.
6.e.	The visual system must be free from optical discontinuities and artifacts that create non-realistic cues.				**X**	Non-realistic cues might include image "swimming" and image "roll-off," that may lead a pilot to make incorrect assessments of speed, acceleration, or situational awareness.
6.f.	The FTD must have operational landing lights for night scenes. Where used, dusk (or twilight) scenes require operational landing lights.				**X**	
6.g.	The FTD must have instructor controls for the following: (1) Visibility in statute miles (km) and runway visual range (RVR) in ft.(m); (2) Airport selection; and (3) Airport lighting.				**X**	
6.h.	The FTD must provide visual system compatibility with dynamic response programming.				**X**	
6.i.	The FTD must show that the segment of the ground visible from the FTD flight deck is the same as from the airplane flight deck (within established tolerances) when at the correct airspeed, in the landing configuration, at the appropriate height above the touchdown zone, and with appropriate visibility.				**X**	This will show the modeling accuracy of RVR, glideslope, and localizer for a given weight, configuration, and speed within

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
						the airplane's operational envelope for a normal approach and landing.
6.j.	The FTD must provide visual cues necessary to assess sink rates (provide depth perception) during takeoffs and landings, to include: (1) Surface on runways, taxiways, and ramps; and (2) Terrain features.				**X**	
6.k.	The FTD must provide for accurate portrayal of the visual environment relating to the FTD attitude.				**X**	Visual attitude vs. FTD attitude is a comparison of pitch and roll of the horizon as displayed in the visual scene compared to the display on the attitude indicator.
6.l.	The FTD must provide for quick confirmation of visual system color, RVR, focus, and intensity. An SOC is required.				**X**	
6.m.	The FTD must be capable of producing at least 10 levels of occulting.				**X**	
6.n.	Night Visual Scenes. When used in training, testing, or checking activities, the FTD must provide night visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Scenes must include a definable horizon and typical terrain characteristics such as fields, roads and bodies of water and surfaces illuminated by airplane landing lights.				**X**	
6.o.	Dusk (or Twilight) Visual Scenes. When used in training, testing, or				**X**	

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
	checking activities, the FTD must provide dusk (or twilight) visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Dusk (or twilight) scenes, as a minimum, must provide full color presentations of reduced ambient intensity, sufficient surfaces with appropriate textural cues that include self-illuminated objects such as road networks, ramp lighting and airport signage, to conduct a visual approach, landing and airport movement (taxi). Scenes must include a definable horizon and typical terrain characteristics such as fields, roads and bodies of water and surfaces illuminated by airplane landing lights. If provided, directional horizon lighting must have correct orientation and be consistent with surface shading effects. Total night or dusk (twilight) scene content must be comparable in detail to that produced by 10,000 visible textured surfaces and 15,000 visible lights with sufficient system capacity to display 16 simultaneously moving objects. An SOC is required.					
6.p.	Daylight Visual Scenes. The FTD must provide daylight visual scenes with sufficient scene content to recognize the airport, the terrain, and major landmarks around the airport. The scene content must allow a pilot to successfully accomplish a visual landing. Any ambient lighting must not "washout" the displayed visual scene. Total daylight scene content must be comparable in detail to that produced by 10,000 visible textured surfaces and 6,000 visible lights with sufficient system capacity to display 16 simultaneously moving objects. The visual display must be free of apparent and distracting quantization and other distracting visual effects while the FTD				X	

Table B1A – Minimum FTD Requirements						
QPS REQUIREMENTS						INFORMATION
Entry Number	General FTD Requirements	FTD Level				Notes
		4	5	6	7	
	is in motion. An SOC is required.					
6.q.	The FTD must provide operational visual scenes that portray physical relationships known to cause landing illusions to pilots.				X	For example: short runways, landing approaches over water, uphill or downhill runways, rising terrain on the approach path, unique topographic features.
6.r.	The FTD must provide special weather representations of light, medium, and heavy precipitation near a thunderstorm on takeoff and during approach and landing. Representations need only be presented at and below an altitude of 2,000 ft. (610 m) above the airport surface and within 10 miles (16 km) of the airport.				X	
6.s.	The FTD must present visual scenes of wet and snow-covered runways, including runway lighting reflections for wet conditions, partially obscured lights for snow conditions, or suitable alternative effects.				X	
6.t.	The FTD must present realistic color and directionality of all airport lighting.				X	
6.u.	The following weather effects as observed on the visual system must be simulated and respective instructor controls provided. (1) Multiple cloud layers with adjustable bases, tops, sky coverage and scud effect; (2) Storm cells activation and/or deactivation; (3) Visibility and runway visual range (RVR), including fog and patchy fog effect; (4) Effects on ownship external lighting;				X	Scud effects are low, detached, and irregular clouds below a defined cloud layer.

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
	(5) Effects on airport lighting (including variable intensity and fog effects); (6) Surface contaminants (including wind blowing effect); (7) Variable precipitation effects (rain, hail, snow); (8) In-cloud airspeed effect; and (9) Gradual visibility changes entering and breaking out of cloud.					
6.v.	The simulator must provide visual effects for: (1) Light poles; (2) Raised edge lights as appropriate; and (3) Glow associated with approach lights in low visibility before physical lights are seen,				**X**	Visual effects for light poles and raised edge lights are for the purpose of providing additional depth perception during takeoff, landing, and taxi training tasks. Three dimensional modeling of the actual poles and stanchions is not required.
7. Sound System.						
7.a.	The FTD must provide flight deck sounds that result from pilot actions that correspond to those that occur in the airplane.			**X**	**X**	
7.b.	The volume control must have an indication of sound level setting which meets all qualification requirements.				**X**	This indication is of the sound level setting as evaluated during the FTD's initial evaluation.
7.c.	The FTD must accurately simulate the sound of precipitation, windshield wipers, and other significant airplane noises perceptible to the pilot during normal and abnormal operations, and include the sound of a crash (when the FTD is landed in an unusual attitude or in excess of the structural gear				**X**	

Table B1A – Minimum FTD Requirements

QPS REQUIREMENTS						INFORMATION
Entry Number	**General FTD Requirements**	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
	limitations); normal engine and thrust reversal sounds; and the sounds of flap, gear, and spoiler extension and retraction. Sounds must be directionally representative. An SOC is required.					
7.d.	The FTD must provide realistic amplitude and frequency of flight deck noises and sounds. FTD performance must be recorded, subjectively assessed for the initial evaluation, and be made a part of the QTG. .				**X**	

Table B1B - Table of Tasks vs. FTD Level

QPS REQUIREMENTS						INFORMATION
Entry Number	**Subjective Requirements** In order to be qualified at the FTD qualification level indicated, the FTD must be able to perform at least the tasks associated with that level of qualification. See Notes 1, 2 and 3 at the end of the Table	**FTD Level**				**Notes**
		4	**5**	**6**	**7**	
1. Preflight Procedures.						
1.a.	Preflight Inspection (flight deck only)	**A**	**A**	**X**	**X**	
1.b.	Engine Start	**A**	**A**	**X**	**X**	
1.c.	Taxiing				**T**	
1.d.	Pre-takeoff Checks	**A**	**A**	**X**	**X**	
2. Takeoff and Departure Phase.						
2.a.	Normal and Crosswind Takeoff				**T**	
2.b.	Instrument Takeoff				**T**	
2.c.	Engine Failure During Takeoff				**T**	
2.d.	Rejected Takeoff (requires visual system)			**A**	**X**	
2.e.	Departure Procedure		**X**	**X**	**X**	
3. Inflight Maneuvers.						
3.a.	Steep Turns		**X**	**X**	**X**	
3.b	Approaches to Stalls		**A**	**X**	**X**	Approach to stall maneuvers qualified only where the aircraft does not exhibit stall buffet as the first indication of the stall.
3.c.	Engine Failure—Multiengine Airplane		**A**	**X**	**X**	
3.d.	Engine Failure—Single-Engine Airplane		**A**	**X**	**X**	
3.e.	Specific Flight Characteristics incorporated into the user's FAA approved flight training program.	**A**	**A**	**A**	**A**	Level 4 FTDs have no minimum requirement for aerodynamic programming and are generally not qualified to conduct in-flight maneuvers.
3.f.	Windshear Recovery				**T**	For Level 7 FTD, windshear recovery may be qualified at the Sponsor's option. See Table B1A for specific requirements and limitations.
4. Instrument Procedures.						
4.a.	Standard Terminal Arrival / Flight Management System Arrivals Procedures		**A**	**X**	**X**	

Table B1B - Table of Tasks vs. FTD Level						
QPS REQUIREMENTS						INFORMATION
Entry Number	Subjective Requirements In order to be qualified at the FTD qualification level indicated, the FTD must be able to perform at least the tasks associated with that level of qualification. See Notes 1, 2 and 3 at the end of the Table	FTD Level				Notes
		4	5	6	7	
4.b.	Holding		A	X	X	
4.c.	Precision Instrument					
4.c.1.	All engines operating.		A	X	X	e.g., Autopilot, Manual (Flt. Dir. Assisted), Manual (Raw Data)
4.c.2.	One engine inoperative.				T	e.g., Manual (Flt. Dir. Assisted), Manual (Raw Data)
4.d.	Non-precision Instrument Approach		A	X	X	e.g., NDB, VOR, VOR/DME, VOR/TAC, RNAV, LOC, LOC/BC, ADF, and SDF.
4.e.	Circling Approach (requires visual system)			A	X	Specific authorization required.
4.f.	Missed Approach					
4.f.1.	Normal.		A	X	X	
4.f.2.	One engine Inoperative.				T	
5. Landings and Approaches to Landings.						
5.a.	Normal and Crosswind Approaches and Landings				T	
5.b.	Landing From a Precision / Non-Precision Approach				T	
5.c.	Approach and Landing with (Simulated) Engine Failure – Multiengine Airplane				T	
5.d.	Landing From Circling Approach				T	
5.e.	Rejected Landing				T	
5.f.	Landing From a No Flap or a Nonstandard Flap Configuration Approach				T	
6. Normal and Abnormal Procedures.						
6.a.	Engine (including shutdown and restart)	A	A	X	X	
6.b.	Fuel System	A	A	X	X	
6.c.	Electrical System	A	A	X	X	
6.d.	Hydraulic System	A	A	X	X	
6.e.	Environmental and Pressurization Systems	A	A	X	X	
6.f.	Fire Detection and Extinguisher Systems	A	A	X	X	
6.g.	Navigation and Avionics Systems	A	A	X	X	
6.h.	Automatic Flight Control System, Electronic Flight Instrument System, and Related Subsystems	A	A	X	X	

Table B1B - Table of Tasks vs. FTD Level

QPS REQUIREMENTS						INFORMATION
Entry Number	**Subjective Requirements** In order to be qualified at the FTD qualification level indicated, the FTD must be able to perform at least the tasks associated with that level of qualification. See Notes 1, 2 and 3 at the end of the Table	FTD Level				Notes
		4	5	6	7	
6.i.	Flight Control Systems	A	A	X	X	
6.j.	Anti-ice and Deice Systems	A	A	X	X	
6.k.	Aircraft and Personal Emergency Equipment	A	A	X	X	
7. Emergency Procedures.						
7.a.	Emergency Descent (Max. Rate)		A	X	X	
7.b.	Inflight Fire and Smoke Removal		A	X	X	
7.c.	Rapid Decompression		A	X	X	
7.d.	Emergency Evacuation	A	A	X	X	
8. Postflight Procedures.						
8.a.	After-Landing Procedures	A	A	X	X	
8.b.	Parking and Securing	A	A	X	X	

Note 1: An "A" in the table indicates that the system, task, or procedure, although not required to be present, may be examined if the appropriate airplane system is simulated in the FTD and is working properly.

Note 2: Items not installed or not functional on the FTD and not appearing on the SOQ Configuration List, are not required to be listed as exceptions on the SOQ.

Note 3: A "T" in the table indicates that the task may only be qualified for introductory initial or recurrent qualification training. These tasks may not be qualified for proficiency testing or checking credits in an FAA approved flight training program.</PHOTO>

■ 4. On page 18327, correct amendatory instruction 15 to read as follows:

■ 15. Amend Attachment 2 to Appendix B as follows:

■ A. Revise paragraph 2.e;

■ B. Revise Table B2A;

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**FTD Level**			**Notes**
Entry Number	**Title**				**5**	**6**	**7**	
1. Performance.								
1.a.	**Taxi.**							
1.a.1	Minimum radius turn.	±0.9 m (3 ft) or =20% of airplane turn radius.	Ground.	Plot both main and nose gear loci and key engine parameter(s). Data for no brakes and the minimum thrust required to maintain a steady turn except for airplanes requiring asymmetric thrust or braking to achieve the minimum radius turn.			**X**	
1.a.2	Rate of turn versus nosewheel steering angle (NWA).	+10% or +2°/s of turn rate.	Ground.	Record for a minimum of two speeds, greater than minimum turning radius speed with one at a typical taxi speed, and with a spread of at least 5 kt.			**X**	
1.b.	**Takeoff.**			*Note.— For Level 7 FTD, all airplane manufacturer commonly-used certificated take-off flap settings must be demonstrated at least once either in minimum unstick speed (1.b.3), normal take-off (1.b.4), critical engine failure on take-off (1.b.5) or crosswind take-off (1.b.6).*				
1.b.1	Ground acceleration time and distance.	±1.5 s or +5% of time; and ±61 m (200 ft) or ±5% of distance. For Level 6 FTD: ±1.5 s or ±5% of time.	Takeoff.	Acceleration time and distance must be recorded for a minimum of 80% of the total time from brake release to V_r. Preliminary aircraft certification data may be used.		**X**	**X**	May be combined with normal takeoff (1.b.4.) or rejected takeoff (1.b.7.). Plotted data should be shown using appropriate scales for each portion of the maneuver. For Level 6 FTD, this test is required only if RTO training credit is sought.
1.b.2	Minimum control speed, ground (V_{mcg}) using aerodynamic controls only per applicable airworthiness	±25% of maximum airplane lateral deviation reached or ±1.5 m (5 ft). For airplanes with	Takeoff.	Engine failure speed must be within ±1 kt of airplane engine failure speed. Engine thrust decay must be that resulting from the mathematical model for the engine applicable to the FTD under test. If the modeled engine is not the same as the airplane manufacturer's flight test engine, a			**X**	If a V_{mcg} test is not available, an acceptable alternative is a flight test snap engine deceleration to idle at a speed between V_1 and V_1-10 kt, followed by control of heading using aerodynamic

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**FTD Level**			**Notes**
Entry Number	**Title**				**5**	**6**	**7**	
	requirement or alternative engine inoperative test to demonstrate ground control characteristics.	reversible flight control systems: ±10% or ±2.2 daN (5 lbf) rudder pedal force.		further test may be run with the same initial conditions using the thrust from the flight test data as the driving parameter.				control only and recovery should be achieved with the main gear on the ground. To ensure only aerodynamic control, nosewheel steering must be disabled (i.e. castored) or the nosewheel held slightly off the ground.
1.b.3	Minimum unstick speed (V_{mu}) or equivalent test to demonstrate early rotation take-off characteristics.	±3 kt airspeed. ±1.5° pitch angle.	Takeoff.	Record time history data from 10 knots before start of rotation until at least 5 seconds after the occurrence of main gear lift-off.			X	V_{mu} is defined as the minimum speed at which the last main landing gear leaves the ground. Main landing gear strut compression or equivalent air/ground signal should be recorded. If a V_{mu} test is not available, alternative acceptable flight tests are a constant high-attitude takeoff run through main gear lift-off or an early rotation takeoff. If either of these alternative solutions is selected, aft body contact/tail strike protection functionality, if present on the airplane, should be active.
1.b.4	Normal take-off.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±6 m (20 ft) height. For airplanes with	Takeoff.	Data required for near maximum certificated takeoff weight at mid center of gravity location and light takeoff weight at an aft center of gravity location. If the airplane has more than one certificated take-off configuration, a different configuration must be used for each weight. Record takeoff profile from brake release to at least 61 m (200 ft) AGL.			X	The test may be used for ground acceleration time and distance (1.b.1). Plotted data should be shown using appropriate scales for each portion of the maneuver.

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**FTD Level**			**Notes**
Entry Number	**Title**				**5**	**6**	**7**	
		reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force.						
1.b.5	Critical engine failure on take-off.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±6 m (20 ft) height. ±2° roll angle. +2° side-slip angle. ±3° heading angle. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force; ±1.3 daN (3 lbf) or ±10% of wheel force; and ±2.2 daN (5 lbf) or ±10% of rudder pedal force.	Takeoff.	Record takeoff profile to at least 61 m (200 ft) AGL. Engine failure speed must be within ±3 kt of airplane data. Test at near maximum takeoff weight			X	
1.b.6	Crosswind take-off.	± 3 kt airspeed. ±1.5° pitch angle. +1.5° AOA. +6 m (20 ft) height. ±2° roll angle.	Takeoff.	Record takeoff profile from brake release to at least 61 m (200 ft) AGL. This test requires test data, including wind profile, for a crosswind component of at least 60% of the airplane performance data value measured at 10 m (33 ft) above the runway. Wind components must be provided as headwind			X	In those situations where a maximum crosswind or a maximum demonstrated crosswind is not known, contact the NSPM.

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		±2° side-slip angle. ±3° heading angle. Correct trends at ground speeds below 40 kt for rudder/pedal and heading angle. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force; ±1.3 daN (3 lbf) or ±10% of wheel force; and ±2.2 daN (5 lbf) or ±10% of rudder pedal force.		and crosswind values with respect to the runway.				
1.b.7.a.	Rejected Takeoff.	±5% of time or ±1.5 s. ±7.5% of distance or ±76 m (250 ft). For Level 6 FTD: ±5% of time or ±1.5 s.	Takeoff.	Record at mass near maximum takeoff weight. Speed for reject must be at least 80% of V_1. Maximum braking effort, auto or manual. Where a maximum braking demonstration is not available, an acceptable alternative is a test using approximately 80% braking and full reverse, if applicable. Time and distance must be recorded from brake release to a full stop.			X	Autobrakes will be used where applicable.

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
1.b.7.b.	Rejected Takeoff.	±5% of time or ±1.5 s.	Takeoff	Record time for at least 80% of the segment from initiation of the rejected takeoff to full stop.		X		For Level 6 FTD, this test is required only if RTO training credit is sought.
1.b.8.	Dynamic Engine Failure After Takeoff.	±2°/s or ±20% of body angular rates.	Takeoff.	Engine failure speed must be within ±3 kt of airplane data. Engine failure may be a snap deceleration to idle. Record hands-off from 5 s before engine failure to +5 s or 30° roll angle, whichever occurs first. CCA: Test in Normal and Non-normal control state.			X	For safety considerations, airplane flight test may be performed out of ground effect at a safe altitude, but with correct airplane configuration and airspeed.
1.c.	Climb.							
1.c.1.	Normal Climb, all engines operating.	±3 kt airspeed. ±0.5 m/s (100 ft/ min) or ±5% of rate of climb.	Clean.	Flight test data are preferred; however, airplane performance manual data are an acceptable alternative. Record at nominal climb speed and mid initial climb altitude. FTD performance is to be recorded over an interval of at least 300 m (1, 000 ft).	X	X	X	For Level 5 and Level 6 FTDs, this may be a snapshot test result.
1.c.2.	One-engine-inoperative 2nd segment climb.	±3 kt airspeed. ±0.5 m/s (100 ft/ min) or ±5% of rate of climb, but not less than airplane performance data requirements.	2nd segment climb.	Flight test data is preferred; however, airplane performance manual data is an acceptable alternative. Record at nominal climb speed. FTD performance is to be recorded over an interval of at least 300 m (1,000 ft). Test at WAT (weight, altitude or temperature) limiting condition.			X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
1.c.3.	One Engine Inoperative En route Climb.	±10% time, ±10% distance, ±10% fuel used	Clean	Flight test data or airplane performance manual data may be used. Test for at least a 1,550 m (5,000 ft) segment.			X	
1.c.4.	One Engine Inoperative Approach Climb for airplanes with icing accountability if provided in the airplane performance data for this phase of flight.	±3 kt airspeed. ±0.5 m/s (100 ft/ min) or ±5% rate of climb, but not less than airplane performance data.	Approach	Flight test data or airplane performance manual data may be used. FTD performance to be recorded over an interval of at least 300 m (1,000 ft). Test near maximum certificated landing weight as may be applicable to an approach in icing conditions.			X	Airplane should be configured with all anti-ice and de-ice systems operating normally, gear up and go-around flap. All icing accountability considerations, in accordance with the airplane performance data for an approach in icing conditions, should be applied.
1.d.	**Cruise / Descent.**							
1.d.1.	Level flight acceleration	±5% Time	Cruise	Time required to increase airspeed a minimum of 50 kt, using maximum continuous thrust rating or equivalent. For airplanes with a small operating speed range, speed change may be reduced to 80% of operational speed change.			X	
1.d.2.	Level flight deceleration.	±5% Time	Cruise	Time required to decrease airspeed a minimum of 50 kt, using idle power. For airplanes with a small operating speed range, speed change may be reduced to 80% of operational speed change.			X	
1.d.3.	Cruise performance.	±.05 EPR or ±3% N1 or ±5% of torque. ±5% of fuel flow.	Cruise.	The test may be a single snapshot showing instantaneous fuel flow, or a minimum of two consecutive snapshots with a spread of at least 3 minutes in steady flight.			X	
1.d.4.	Idle descent.	±3 kt airspeed. ±1.0 m/s (200 ft/min) or ±5% of rate of descent.	Clean.	Idle power stabilized descent at normal descent speed at mid altitude. FTD performance to be recorded over an interval			X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
				of at least 300 m (1,000 ft).				
1.d.5.	Emergency descent.	±5 kt airspeed. ±1.5 m/s (300 ft/min) or +5% of rate of descent.	As per airplane performance data.	FTD performance to be recorded over an interval of at least 900 m (3,000 ft).			X	Stabilized descent to be conducted with speed brakes extended if applicable, at mid altitude and near V_{mo} or according to emergency descent procedure.
1.e.	**Stopping.**							
1.e.1.	Deceleration time and distance, manual wheel brakes, dry runway, no reverse thrust.	±1.5 s or ±5% of time. For distances up to 1,220 m (4,000 ft), the smaller of ±61 m (200 ft) or +10% of distance. For distances greater than 1,220 m (4,000 ft), ±5% of distance.	Landing.	Time and distance must be recorded for at least 80% of the total time from touchdown to a full stop. Position of ground spoilers and brake system pressure must be plotted (if applicable). Data required for medium and near maximum certificated landing weight. Engineering data may be used for the medium weight condition.			X	
1.e.2.	Deceleration time and distance, reverse thrust, no wheel brakes, dry runway.	+1.5 s or +5% of time; and the smaller of ±61 m (200 ft) or ±10% of distance.	Landing	Time and distance must be recorded for at least 80% of the total time from initiation of reverse thrust to full thrust reverser minimum operating speed. Position of ground spoilers must be plotted (if applicable). Data required for medium and near maximum certificated landing weight. Engineering data may be used for the medium weight condition.			X	
1.e.3.	Stopping distance, wheel brakes, wet	±61 m (200 ft) or ±10% of distance.	Landing.	Either flight test or manufacturer's performance manual data must be used, where available.			X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**FTD Level**			**Notes**
Entry Number	**Title**				**5**	**6**	**7**	
	runway.			Engineering data, based on dry runway flight test stopping distance and the effects of contaminated runway braking coefficients, are an acceptable alternative.				
1.e.4.	Stopping distance, wheel brakes, icy runway.	+61 m (200 ft) or +10% of distance.	Landing.	Either flight test or manufacturer's performance manual data must be used, where available. Engineering data, based on dry runway flight test stopping distance and the effects of contaminated runway braking coefficients, are an acceptable alternative.			**X**	
1.f.	**Engines.**							
1.f.1.	Acceleration.	For Level 7 FTD: ±10% Ti or =0.25 s; and ±10% Tt or =0.25 s. For Level 6 FTD: +10% Tt or −0.25 s. For Level 5 FTD: ±1 s	Approach or landing	Total response is the incremental change in the critical engine parameter from idle power to go-around power.	**X**	**X**	**X**	See Appendix F of this part for definitions of T_i and T_t.
1.f.2.	Deceleration.	For Level 7 FTD: ±10% Ti or =0.25 s; and ±10% Tt or =0.25 s. For Level 6 FTD: ±10% Tt or =0.25 s. For Level 5 FTD: +1 s	Ground	Total response is the incremental change in the critical engine parameter from maximum take-off power to idle power.	**X**	**X**	**X**	See Appendix F of this part for definitions of T_i and T_t.
2. Handling Qualities.								
2.a.	**Static Control Tests.**							
	Note.1 Testing of position versus force is not applicable if forces are generated solely by use of airplane hardware in the FTD. *Note 2 Pitch, roll and yaw controller position versus force or time should be measured at the control. An alternative method in lieu of external test fixtures at the flight controls would be to have recording and measuring instrumentation built into the FTD. The force and position data from this instrumentation could be directly recorded and matched to the airplane data. Provided the instrumentation was verified by using external measuring equipment while conducting the static control checks, or equivalent means, and that evidence of the satisfactory comparison is included in the MQTG, the instrumentation could be used for both initial and recurrent evaluations for the measurement of all required control checks. Verification of the instrumentation by using external measuring equipment*							

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
	should be repeated if major modifications and/or repairs are made to the control loading system. Such a permanent installation could be used without any time being lost for the installation of external devices. Static and dynamic flight control tests should be accomplished at the same feel or impact pressures as the validation data where applicable. *Note 3 — (Level 7 FTD only) FTD static control testing from the second set of pilot controls is only required if both sets of controls are not mechanically interconnected on the FTD. A rationale is required from the data provider if a single set of data is applicable to both sides. If controls are mechanically interconnected in the FTD. a single set of tests is sufficient.*							
2.a.1.a.	Pitch controller position versus force and surface position calibration.	+0.9 daN (2 lbf) breakout. ±2.2 daN (5 lbf) or ±10% of force. ±2° elevator angle.	Ground.	Record results for an uninterrupted control sweep to the stops.		**X**	**X**	Test results should be validated with in-flight data from tests such as longitudinal static stability, stalls, etc.
2.a.1.b.	Pitch controller position versus force	±0.9 daN (2 lbf) breakout. +2.2 daN (5 lbf) or ±10% of force.	As determined by sponsor	Record results during initial qualification evaluation for an uninterrupted control sweep to the stops. The recorded tolerances apply to subsequent comparisons on continuing qualification evaluations.	**X**			Applicable only on continuing qualification evaluations. The intent is to design the control feel for Level 5 to be able to manually fly an instrument approach; and not to compare results to flight test or other such data.
2.a.2.a.	Roll controller position versus force and surface position calibration.	±0.9 daN (2 lbf) breakout. ±1.3 daN (3 lbf) or ±10% of force. +2° aileron angle. ±3° spoiler angle.	Ground.	Record results for an uninterrupted control sweep to the stops.		**X**	**X**	Test results should be validated with in-flight data from tests such as engine-out trims, steady state side-slips, etc.
2.a.2.b.	Roll controller position versus force	±0.9 daN (2 lbf) breakout. ±1.3 daN (3 lbf) or ±10% of force.	As determined by sponsor	Record results during initial qualification evaluation for an uninterrupted control sweep to the stops. The recorded tolerances apply to subsequent comparisons on continuing qualification evaluations.	**X**			Applicable only on continuing qualification evaluations. The intent is to design the control feel for Level 5 to be able to manually fly an instrument approach; and not to compare results to flight test or other such

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
								data.
2.a.3.a.	Rudder pedal position versus force and surface position calibration.	±2.2 daN (5 lbf) breakout. ±2.2 daN (5 lbf) or ±10% of force. ±2° rudder angle.	Ground.	Record results for an uninterrupted control sweep to the stops.		X	X	Test results should be validated with in-flight data from tests such as engine-out trims, steady state side-slips, etc.
2.a.3.b.	Rudder pedal position versus force	±2.2 daN (5 lbf) breakout. ±2.2 daN (5 lbf) or ±10% of force.	As determined by sponsor	Record results during initial qualification evaluation for an uninterrupted control sweep to the stops. The recorded tolerances apply to subsequent comparisons on continuing qualification evaluations.	X			Applicable only on continuing qualification evaluations. The intent is to design the control feel for Level 5 to be able to manually fly an instrument approach; and not to compare results to flight test or other such data.
2.a.4.a.	Nosewheel Steering Controller Force and Position Calibration.	±0.9 daN (2 lbf) breakout. ±1.3 daN (3 lbf) or ±10% of force. ±2° NWA.	Ground.	Record results of an uninterrupted control sweep to the stops.			X	
2.a.4.b.	Nosewheel Steering Controller Force	±0.9 daN (2 lbf) breakout. ±1.3 daN (3 lbf) or +10% of force.	Ground.	Record results of an uninterrupted control sweep to the stops.		X		
2.a.5.	Rudder Pedal Steering Calibration.	±2° NWA.	Ground.	Record results of an uninterrupted control sweep to the stops.		X	X	
2.a.6.	Pitch Trim Indicator vs. Surface Position Calibration.	±0.5° trim angle.	Ground.			X	X	The purpose of the test is to compare FSTD surface position indicator against the FSTD flight controls model computed value.
2.a.7.	Pitch Trim Rate.	±10% of trim rate (°/s)	Ground and approach.	Trim rate to be checked at pilot primary induced			X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		or ±0.1°/s trim rate.		trim rate (ground) and autopilot or pilot primary trim rate in-flight at go-around flight conditions. For CCA, representative flight test conditions must be used.				
2.a.8.	Alignment of cockpit throttle lever versus selected engine parameter.	When matching engine parameters: +5° of TLA. When matching detents: ±3% N1 or ±.03 EPR or ±3% torque, or ±3% maximum rated manifold pressure, or equivalent. Where the levers do not have angular travel, a tolerance of ±2 cm (±0.8 in) applies.	Ground.	Simultaneous recording for all engines. The tolerances apply against airplane data. For airplanes with throttle detents, all detents to be presented and at least one position between detents/ endpoints (where practical). For airplanes without detents, end points and at least three other positions are to be presented.		X	X	Data from a test airplane or engineering test bench are acceptable, provided the correct engine controller (both hardware and software) is used. In the case of propeller-driven airplanes, if an additional lever, usually referred to as the propeller lever, is present, it should also be checked. This test may be a series of snapshot tests.
2.a.9.a.	Brake pedal position versus force and brake system pressure calibration.	±2.2 daN (5 lbf) or ±10% of force. ±1.0 MPa (150 psi) or ±10% of brake system pressure.	Ground.	Relate the hydraulic system pressure to pedal position in a ground static test. Both left and right pedals must be checked.			X	FTD computer output results may be used to show compliance.
2.a.9.b.	Brake pedal position versus force	±2.2 daN (5 lbf) or ±10% of force.	Ground.	Two data points are required: zero and maximum deflection. Computer output results may be used to show compliance.		X		FTD computer output results may be used to show compliance. Test not required unless RTO credit is sought.

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								**INFORMATION**
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**FTD Level**			**Notes**
Entry Number	**Title**				**5**	**6**	**7**	
2.b.	**Dynamic Control Tests.**							
	Note.— Tests 2.b.1, 2.b.2 and 2.b.3 are not applicable for FTDs where the control forces are completely generated within the airplane controller unit installed in the FTD. Power setting may be that required for level flight unless otherwise specified. See paragraph 4 of Appendix A, Attachment 2.							
2.b.1.	Pitch Control.	**For underdamped systems:** $T(P_0)$ ±10% of P_0 or ±0.05 s. $T(P_1)$ ±20% of P_1 or ±0.05 s. $T(P_2)$ ±30% of P_2 or ±0.05 s. $T(P_n)$ ±10*(n+1)% of P_n or +0.05 s. $T(A_n)$ ±10% of A_{max}, where A_{max} is the largest amplitude or ±0.5% of the total control travel (stop to stop). $T(A_d)$ ±5% of A_d = residual band or ±0.5% of the maximum control travel = residual band. ±1 significant overshoots (minimum of 1 significant overshoot). Steady state position	Takeoff, Cruise, and Landing.	Data must be for normal control displacements in both directions (approximately 25% to 50% of full throw or approximately 25% to 50% of maximum allowable pitch controller deflection for flight conditions limited by the maneuvering load envelope). Tolerances apply against the absolute values of each period (considered independently).			X	n = the sequential period of a full oscillation. Refer to paragraph 4 of Appendix A, Attachment 2 for additional information. For overdamped and critically damped systems, see Figure A2B of Appendix A for an illustration of the reference measurement.

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		within residual band. *Note 1.— Tolerances should not be applied on period or amplitude after the last significant overshoot.* *Note 2. Oscillations within the residual band are not considered significant and are not subject to tolerances.* **For overdamped and critically damped systems only**, the following tolerance applies: $T(P_0)$ +10% of P_0 or ±0.05 s.						
2.b.2.	Roll Control.	Same as 2.b.1.	Takeoff, Cruise, and Landing.	Data must be for normal control displacement (approximately 25% to 50% of full throw or approximately 25% to 50% of maximum allowable roll controller deflection for flight conditions limited by the maneuvering load envelope).			X	Refer to paragraph 4 of Appendix A, Attachment 2 for additional information. For overdamped and critically damped systems, see Figure A2B of Appendix A for an illustration of the reference measurement.
2.b.3.	Yaw Control.	Same as 2.b.1.	Takeoff, Cruise, and Landing.	Data must be for normal control displacement (approximately 25% to 50% of full throw).			X	Refer to paragraph 4 of Appendix A, Attachment 2 for additional information.

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
								For overdamped and critically damped systems, see Figure A2B of Appendix A for an illustration of the reference measurement.
2.b.4.	Small Control Inputs – Pitch.	±0.15°/s body pitch rate or ±20% of peak body pitch rate applied throughout the time history.	Approach or Landing.	Control inputs must be typical of minor corrections made while established on an ILS approach (approximately 0.5 to 2°/s pitch rate). Test in both directions. Show time history data from 5 s before until at least 5 s after initiation of control input. If a single test is used to demonstrate both directions, there must be a minimum of 5 s before control reversal to the opposite direction. CCA: Test in normal and non-normal control state.			X	
2.b.5.	Small Control Inputs – Roll.	±0.15°/s body roll rate or ±20% of peak body roll rate applied throughout the time history.	Approach or landing.	Control inputs must be typical of minor corrections made while established on an ILS approach (approximately 0.5 to 2°/s roll rate). Test in one direction. For airplanes that exhibit non-symmetrical behavior, test in both directions. Show time history data from 5 s before until at least 5 s after initiation of control input. If a single test is used to demonstrate both directions, there must be a minimum of 5 s before control reversal to the opposite direction. CCA: Test in normal and non-normal control			X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
				state.				
2.b.6.	Small Control Inputs – Yaw.	+0.15°/s body yaw rate or ±20% of peak body yaw rate applied throughout the time history.	Approach or landing.	Control inputs must be typical of minor corrections made while established on an ILS approach (approximately 0.5 to 2°/s yaw rate). Test in both directions. Show time history data from 5 s before until at least 5 s after initiation of control input. If a single test is used to demonstrate both directions, there must be a minimum of 5 s before control reversal to the opposite direction. **CCA:** Test in normal and non-normal control state.			X	
2.c.	**Longitudinal Control Tests.**							
	Power setting is that required for level flight unless otherwise specified.							
2.c.1.a.	Power Change Dynamics.	±3 kt airspeed. ±30 m (100 ft) altitude. ±1.5° or ±20% of pitch angle.	Approach.	Power change from thrust for approach or level flight to maximum continuous or go-around power. Time history of uncontrolled free response for a time increment equal to at least 5 s before initiation of the power change to the completion of the power change + 15 s. **CCA:** Test in normal and non-normal control mode			X	
2.c.1.b.	Power Change Force.	±5 lb (2.2 daN) or, ±20% pitch control force.	Approach.	May be a series of snapshot test results. Power change dynamics test as described in test 2.c.1.a. will be accepted. **CCA:** Test in Normal and Non-normal control mode.	X	X		

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
2.c.2.a.	Flap/Slat Change Dynamics.	±3 kt airspeed. +30 m (100 ft) altitude. ±1.5° or ±20% of pitch angle.	Takeoff through initial flap retraction, and approach to landing.	Time history of uncontrolled free response for a time increment equal to at least 5 s before initiation of the reconfiguration change to the completion of the reconfiguration change + 15 s. **CCA:** Test in normal and non-normal control mode			X	
2.c.2.b.	Flap/Slat Change Force.	±5 lb (2.2 daN) or, ±20% pitch control force.	Takeoff through initial flap retraction, and approach to landing.	May be a series of snapshot test results. Flap/Slat change dynamics test as described in test 2.c.2.a. will be accepted. **CCA:** Test in Normal and Non-normal control mode.	X	X		
2.c.3.	Spoiler/Speedbrake Change Dynamics.	±3 kt airspeed. ±30 m (100 ft) altitude. ±1.5° or ±20% of pitch angle.	Cruise.	Time history of uncontrolled free response for a time increment equal to at least 5 s before initiation of the configuration change to the completion of the configuration change + 15 s. Results required for both extension and retraction. **CCA:** Test in normal and non-normal control mode			X	
2.c.4.a.	Gear Change Dynamics.	±3 kt airspeed. ±30 m (100 ft) altitude. ±1.5° or ±20% of pitch angle.	Takeoff (retraction), and Approach (extension).	Time history of uncontrolled free response for a time increment equal to at least 5 s before initiation of the configuration change to the completion of the configuration change + 15 s. **CCA:** Test in normal and non-normal control mode			X	
2.c.4.b.	Gear Change Force.	±5 lb (2.2 daN) or, ±20% pitch control force.	Takeoff (retraction) and Approach (extension).	May be a series of snapshot test results. Gear change dynamics test as described in test 2.c.4.a. will be accepted. **CCA:** Test in Normal and Non-normal control mode.	X	X		

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
2.c.5.	Longitudinal Trim.	±1° elevator angle. ±0.5° stabilizer or trim surface angle. ±1° pitch angle. ±5% of net thrust or equivalent.	Cruise, Approach, and Landing.	Steady-state wings level trim with thrust for level flight. This test may be a series of snapshot tests. Level 5 FTD may use equivalent stick and trim controllers in lieu of elevator and trim surface. CCA: Test in normal or non-normal control mode, as applicable.	X	X	X	
2.c.6.	Longitudinal Maneuvering Stability (Stick Force/g).	±2.2 daN (5 lbf) or ±10% of pitch controller force. Alternative method: ±1° or ±10% of the change of elevator angle.	Cruise, Approach, and Landing.	Continuous time history data or a series of snapshot tests may be used. Test up to approximately 30° of roll angle for approach and landing configurations. Test up to approximately 45° of roll angle for the cruise configuration. Force tolerance not applicable if forces are generated solely by the use of airplane hardware in the FTD. Alternative method applies to airplanes which do not exhibit stick-force-per-g characteristics. **CCA:** Test in normal or non-normal control mode		X	X	
2.c.7.	Longitudinal Static Stability.	±2.2 daN (5 lbf) or ±10% of pitch controller force. Alternative method: ±1° or ±10% of the change of elevator angle.	Approach.	Data for at least two speeds above and two speeds below trim speed. The speed range must be sufficient to demonstrate stick force versus speed characteristics. This test may be a series of snapshot tests. Force tolerance is not applicable if forces are generated solely by the use of airplane hardware	X	X	X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
				in the FTD. Alternative method applies to airplanes which do not exhibit speed stability characteristics. Level 5 must exhibit positive static stability, but need not comply with the numerical tolerance. **CCA:** Test in normal or non-normal control mode, as applicable.				
2.c.8.a.	Approach to Stall Characteristics	±3 kt airspeed for initial buffet, stall warning, and stall speeds. Control inputs must be plotted and demonstrate correct trend and magnitude. ±2.0° pitch angle ±2.0° angle of attack +2.0° bank angle ±2.0° sideslip angle Additionally, for those simulators with reversible flight control systems: +10% or +5 lb (2.2 daN)) Stick/Column force (prior to "g break" only).	Second Segment Climb, High Altitude Cruise (Near Performance Limited Condition), and Approach or Landing	Each of the following stall entry methods must be demonstrated in at least one of the three required flight conditions: ▪ Stall entry at wings level (1g) ▪ Stall entry in turning flight of at least 25° bank angle (accelerated stall) ▪ Stall entry in a power-on condition (required only for turboprop aircraft) The required cruise condition must be conducted in a flaps-up (clean) configuration. The second segment climb and approach/landing conditions must be conducted at different flap settings. For airplanes that exhibit stall buffet as the first indication of a stall, for qualification of this task, the FTD must be equipped with a vibration system that meets the applicable subjective and objective requirements in Appendix A of this Part.			X	Tests may be conducted at centers of gravity typically required for airplane certification stall testing.
2.c.8.b.	Stall Warning (actuation of stall warning device.)	±3 kts. airspeed, ±2° bank for speeds greater than actuation of stall warning device or initial buffet.	Second Segment Climb, and Approach or Landing.	The stall maneuver must be entered with thrust at or near idle power and wings level (1g). Record the stall warning signal and initial buffet if applicable.	X	X		

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
				CCA: Test in Normal and Non-normal control states.				
2.c.9.a.	Phugoid Dynamics.	±10% of period. ±10% of time to one half or double amplitude or ±0.02 of damping ratio.	Cruise.	Test must include three full cycles or that necessary to determine time to one half or double amplitude, whichever is less. CCA: Test in non-normal control mode.		X	X	
2.c.9.b.	Phugoid Dynamics.	±10% period, Representative damping.	Cruise.	The test must include whichever is less of the following: Three full cycles (six overshoots after the input is completed), or the number of cycles sufficient to determine representative damping. CCA: Test in non-normal control mode.	X			
2.c.10	Short Period Dynamics.	±1.5° pitch angle or ±2°/s pitch rate. ±0.1 g normal acceleration	Cruise.	CCA: (Level 7 FTD) Test in normal and non-normal control mode. (Level 6 FTD) Test in non-normal control mode.		X	X	
2.c.11.	**(Reserved)**							
2.d.	**Lateral Directional Tests.**							
	Power setting is that required for level flight unless otherwise specified.							
2.d.1.	Minimum control speed, air (V_{mca}) or landing (V_{mcl}), per applicable airworthiness requirement or low speed engine-inoperative handling characteristics in the air.	±3 kt airspeed.	Takeoff or Landing (whichever is most critical in the airplane).	Takeoff thrust must be set on the operating engine(s). Time history or snapshot data may be used. CCA: Test in normal or non-normal control state, as applicable.			X	Minimum speed may be defined by a performance or control limit which prevents demonstration of V_{mca} or V_{mcl} in the conventional manner.
2.d.2.	Roll Response (Rate).	±2°/s or ±10% of roll rate.	Cruise, and Approach or Landing.	Test with normal roll control displacement (approximately one-third of maximum roll controller travel).	X	X	X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		For airplanes with reversible flight control systems (Level 7 FTD only): ±1.3 daN (3 lbf) or ±10% of wheel force.		This test may be combined with step input of flight deck roll controller test 2.d.3.				
2.d.3.	Step input of flight deck roll controller.	±2° or ±10% of roll angle.	Approach or Landing.	This test may be combined with roll response (rate) test 2.d.2. **CCA:** (Level 7 FTD) Test in normal and non-normal control mode. (Level 6 FTD) Test in non-normal control mode.		X	X	With wings level, apply a step roll control input using approximately one-third of the roll controller travel. When reaching approximately 20° to 30° of bank, abruptly return the roll controller to neutral and allow approximately 10 seconds of airplane free response.
2.d.4.a.	Spiral Stability.	Correct trend and ±2° or ±10% of roll angle in 20 s. If alternate test is used: correct trend and ±2° aileron angle.	Cruise, and Approach or Landing.	Airplane data averaged from multiple tests may be used. Test for both directions. As an alternative test, show lateral control required to maintain a steady turn with a roll angle of approximately 30°. CCA: Test in non-normal control mode.			X	
2.d.4.b.	Spiral Stability.	Correct trend and ±3° or ±10% of roll angle in 20 s.	Cruise	Airplane data averaged from multiple tests may be used. Test for both directions. As an alternative test, show lateral control required to maintain a steady turn with a roll angle of approximately 30°. CCA: Test in non-normal control mode.		X		
2.d.4.c.	Spiral Stability.	Correct trend	Cruise	Airplane data averaged from multiple tests may	X			

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
				be used. CCA: Test in non-normal control mode.				
2.d.5.	Engine Inoperative Trim.	±1° rudder angle or ±1° tab angle or equivalent rudder pedal. +2° side-slip angle.	Second Segment Climb, and Approach or Landing.	This test may consist of snapshot tests.			X	Test should be performed in a manner similar to that for which a pilot is trained to trim an engine failure condition. 2nd segment climb test should be at takeoff thrust. Approach or landing test should be at thrust for level flight.
2.d.6.a.	Rudder Response.	±2°/s or ±10% of yaw rate.	Approach or Landing.	For Level 7 FTD: Test with stability augmentation on and off. Test with a step input at approximately 25% of full rudder pedal throw. Not required if rudder input and response is shown in Dutch Roll test (test 2.d.7). CCA: Test in normal and non-normal control mode		X	X	
2.d.6.b.	Rudder Response.	Roll rate ±2°/sec, bank angle ±3°.	Approach or Landing.	May be roll response to a given rudder deflection. CCA: Test in Normal and Non-normal control states.	X			May be accomplished as a yaw response test, in which case the procedures and requirements of test 2.d.6.a. will apply.
2.d.7.	Dutch Roll	±0.5 s or ±10% of period. ±10% of time to one half or double amplitude or +.02 of damping	Cruise, and Approach or Landing.	Test for at least six cycles with stability augmentation off. CCA: Test in non-normal control mode.		X	X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		ratio. (Level 7 FTD only): ±1 s or ±20% of time difference between peaks of roll angle and side-slip angle.						
2.d.8.	Steady State Sideslip.	For a given rudder position: ±2° roll angle; ±1° side-slip angle; ±2° or ±10% of aileron angle; and ±5° or ±10% of spoiler or equivalent roll controller position or force. For airplanes with reversible flight control systems (Level 7 FTD only): ±1.3 daN (3 lbf) or ±10% of wheel force. ±2.2 daN (5 lbf) or ±10% of rudder pedal force.	Approach or Landing.	This test may be a series of snapshot tests using at least two rudder positions (in each direction for propeller-driven airplanes), one of which must be near maximum allowable rudder. (Level 5 and Level 6 FTD only): Sideslip angle is matched only for repeatability and only on continuing qualification evaluations.	X	X	X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
2.e.	**Landings.**							
2.e.1.	Normal Landing.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±3 m (10 ft) or ±10% of height. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force.	Landing.	Test from a minimum of 61 m (200 ft) AGL to nosewheel touchdown. CCA: Test in normal and non-normal control mode, if applicable.			X	Two tests should be shown, including two normal landing flaps (if applicable) one of which should be near maximum certificated landing mass, the other at light or medium mass.
2.e.2.	Minimum Flap Landing.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±3 m (10 ft) or ±10% of height. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force.	Minimum Certified Landing Flap Configuration.	Test from a minimum of 61 m (200 ft) AGL to nosewheel touchdown. Test at near maximum certificated landing weight.			X	
2.e.3.	Crosswind Landing.	±3 kt airspeed. ±1.5° pitch angle.	Landing.	Test from a minimum of 61 m (200 ft) AGL to a 50% decrease in main landing gear touchdown speed.			X	In those situations where a maximum crosswind or a maximum demonstrated crosswind is not known, contact

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		±1.5° AOA. +3 m (10 ft) or +10% of height. ±2° roll angle. ±2° side-slip angle. ±3° heading angle. For airplanes with reversible flight control systems: ±2.2 daN (5 lbf) or ±10% of column force. ±1.3 daN (3 lbf) or ±10% of wheel force. ±2.2 daN (5 lbf) or ±10% of rudder pedal force.		It requires test data, including wind profile, for a crosswind component of at least 60% of airplane performance data value measured at 10 m (33 ft) above the runway. Wind components must be provided as headwind and crosswind values with respect to the runway.				the NSPM.
2.e.4.	One Engine Inoperative Landing.	±3 kt airspeed. ±1.5° pitch angle. ±1.5° AOA. ±3 m (10 ft) or ±10% of height.	Landing.	Test from a minimum of 61 m (200 ft) AGL to a 50% decrease in main landing gear touchdown speed.			X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		±2° roll angle. ±2° side-slip angle. +3° heading angle.						
2.e.5.	Autopilot landing (if applicable).	±1.5 m (5 ft) flare height. ±0.5 s or ± 10% of Tf. ±0.7 m/s (140 ft/min) rate of descent at touchdown. +3 m (10 ft) lateral deviation during roll-out.	Landing.	If autopilot provides roll-out guidance, record lateral deviation from touchdown to a 50% decrease in main landing gear touchdown speed. Time of autopilot flare mode engage and main gear touchdown must be noted.			X	See Appendix F of this part for definition of T_f.
2.e.6.	All-engine autopilot go-around.	±3 kt airspeed. ±1.5° pitch angle. −1.5° AOA.	As per airplane performance data.	Normal all-engine autopilot go-around must be demonstrated (if applicable) at medium weight.			X	
2.e.7.	One engine inoperative go around.	+3 kt airspeed. +1.5° pitch angle. ±1.5° AOA. ±2° roll angle. ±2° side-slip angle.	As per airplane performance data.	Engine inoperative go-around required near maximum certificated landing weight with critical engine inoperative. Provide one test with autopilot (if applicable) and one without autopilot. CCA: Non-autopilot test to be conducted in non-normal mode.			X	
2.e.8.	Directional control (rudder effectiveness) with symmetric	±5 kt airspeed. ±2°/s yaw rate.	Landing.	Apply rudder pedal input in both directions using full reverse thrust until reaching full thrust reverser minimum operating speed.			X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**FTD Level**			**Notes**
Entry Number	**Title**				**5**	**6**	**7**	
	reverse thrust.							
2.e.9.	Directional control (rudder effectiveness) with asymmetric reverse thrust.	±5 kt airspeed. ±3° heading angle.	Landing.	With full reverse thrust on the operating engine(s), maintain heading with rudder pedal input until maximum rudder pedal input or thrust reverser minimum operation speed is reached.			**X**	
2.f.	**Ground Effect.**							
	Test to demonstrate Ground Effect.	±1° elevator angle. ±0.5° stabilizer angle. ±5% of net thrust or equivalent. ±1° AOA. ±1.5 m (5 ft) or =10% of height. ±3 kt airspeed. ±1° pitch angle.	Landing.	A rationale must be provided with justification of results. CCA: Test in normal or non-normal control mode, as applicable.			**X**	See paragraph on Ground Effect in this attachment for additional information.
2.g.	**Reserved**							
2.h.	**Flight Maneuver and Envelope Protection Functions.**							
	Note. The requirements of 2.h are only applicable to computer-controlled airplanes. Time history results of response to control inputs during entry into each envelope protection function (i.e. with normal and degraded control states if their function is different) are required. Set thrust as required to reach the envelope protection function.							
2.h.1.	Overspeed.	±5 kt airspeed.	Cruise.				**X**	
2.h.2.	Minimum Speed.	±3 kt airspeed.	Takeoff, Cruise, and Approach or Landing.				**X**	
2.h.3.	Load Factor.	±0.1g normal load factor	Takeoff, Cruise.				**X**	
2.h.4.	Pitch Angle.	±1.5° pitch angle	Cruise, Approach.				**X**	
2.h.5.	Bank Angle.	±2° or ±10% bank angle	Approach.				**X**	
2.h.6.	Angle of Attack.	±1.5° angle of attack	Second Segment Climb,				**X**	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
			and Approach or Landing.					
3. Reserved								
4. Visual System.								
4.a.	**Visual scene quality**							
4.a.1.	Continuous cross-cockpit visual field of view.	Visual display providing each pilot with a minimum of 176° horizontal and 36° vertical continuous field of view.	Not applicable.	Required as part of MQTG but not required as part of continuing evaluations.			X	Field of view should be measured using a visual test pattern filling the entire visual scene (all channels) consisting of a matrix of black and white 5° squares. Installed alignment should be confirmed in an SOC (this would generally consist of results from acceptance testing).
4.a.2.	System Geometry	Geometry of image should have no distracting discontinuities.					X	
4.a.3	Surface resolution (object detection).	Not greater than 4 arc minutes.	Not applicable.				X	Resolution will be demonstrated by a test of objects shown to occupy the required visual angle in each visual display used on a scene from the pilot's eyepoint. The object will subtend 4 arc minutes to the eye. This may be demonstrated using threshold bars for a horizontal test. A vertical test should also be demonstrated. The subtended angles should be

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
								confirmed by calculations in an SOC.
4.a.4	Light point size.	Not greater than 8 arc minutes.	Not applicable.				**X**	Light point size should be measured using a test pattern consisting of a centrally located single row of white light points displayed as both a horizontal and vertical row. It should be possible to move the light points relative to the eyepoint in all axes. At a point where modulation is just discernible in each visual channel, a calculation should be made to determine the light spacing. An SOC is required to state test method and calculation.
4.a.5	Raster surface contrast ratio.	Not less than 5:1.	Not applicable.				**X**	Surface contrast ratio should be measured using a raster drawn test pattern filling the entire visual scene (all channels). The test pattern should consist of black and white squares, 5° per square, with a white square in the center of each channel. Measurement should be made on the center bright square for each channel using a 1° spot photometer. This value should have a minimum brightness of 7

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
								cd/m^2 (2 ft-lamberts). Measure any adjacent dark squares. The contrast ratio is the bright square value divided by the dark square value. *Note 1. — During contrast ratio testing, FTD aft-cab and flight deck ambient light levels should be as low as possible.* *Note 2. Measurements should be taken at the center of squares to avoid light spill into the measurement device.*
4.a.6	Light point contrast ratio.	Not less than 10:1.	Not applicable.				X	Light point contrast ratio should be measured using a test pattern demonstrating an area of greater than 1° area filled with white light points and should be compared to the adjacent background. *Note. — Light point modulation should be just discernible on calligraphic systems but will not be discernable on raster systems.* Measurements of the background should be taken such that the bright square is just out of the light meter FOV.

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		**Tolerance**	**Flight Conditions**	**Test Details**	**FTD Level**			**Notes**
Entry Number	**Title**				**5**	**6**	**7**	
								Note. — During contrast ratio testing, FTD aft-cab and flight deck ambient light levels should be as low as practical.
4.a.7	Light point brightness.	Not less than 20 cd/m^2 (5.8 ft-lamberts).	Not applicable.				X	Light points should be displayed as a matrix creating a square. On calligraphic systems the light points should just merge. On raster systems the light points should overlap such that the square is continuous (individual light points will not be visible).
4.a.8	Surface brightness.	Not less than 14 cd/m^2 (4.1 ft-lamberts) on the display.	Not applicable.				X	Surface brightness should be measured on a white raster, measuring the brightness using the 1° spot photometer. Light points are not acceptable. Use of calligraphic capabilities to enhance raster brightness is acceptable.
4.b	**Head-Up Display (HUD)**							
4.b.1	Static Alignment.	Static alignment with displayed image. HUD bore sight must align with the center of the displayed image spherical pattern.					X	Alignment requirement only applies to the pilot flying.

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		Tolerance +/- 6 arc min.						
4.b.2	System display.	All functionality in all flight modes must be demonstrated.					X	A statement of the system capabilities should be provided and the capabilities demonstrated
4.b.3	HUD attitude versus FTD attitude indicator (pitch and roll of horizon).	Pitch and roll align with aircraft instruments.	Flight				X	Alignment requirement only applies to the pilot flying.
4.c	**Enhanced Flight Vision System (EFVS)**							
4.c.1	Registration test.	Alignment between EFVS display and out of the window image must represent the alignment typical of the aircraft and system type.	Takeoff point and on approach at 200 ft.				X	Alignment requirement only applies to the pilot flying. *Note.— The effects of the alignment tolerance in 4.b.1 should be taken into account.*
4.c.2	EFVS RVR and visibility calibration.	The scene represents the EFVS view at 350 m (1,200 ft) and 1,609 m (1 sm) RVR including correct light intensity.	Flight				X	Infra-red scene representative of both 350 m (1,200 ft), and 1,609 m (1 sm) RVR. Visual scene may be removed.
4.c.3	Thermal crossover.	Demonstrate thermal crossover effects during day to night transition.	Day and night				X	The scene will correctly represent the thermal characteristics of the scene during a day to night transition.
4.d	**Visual ground segment**							
4.d.1	Visual ground segment (VGS).	Near end: the correct number of approach lights within the computed VGS must be visible.	Trimmed in the landing configuration at 30 m (100 ft) wheel height above touchdown zone on glide slope at an RVR setting of 300 m (1,000 ft) or 350 m	This test is designed to assess items impacting the accuracy of the visual scene presented to a pilot at DH on an ILS approach. These items include: 1) RVR/Visibility;			X	Pre-position for this test is encouraged but may be achieved via manual or autopilot control to the desired position.

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		Far end: ±20% of the computed VGS. The threshold lights computed to be visible must be visible in the FTD.	(1,200 ft).	2) glide slope (G/S) and localizer modeling accuracy (location and slope) for an ILS; 3) for a given weight, configuration and speed representative of a point within the airplane's operational envelope for a normal approach and landing; and 4) Radio altimeter. *Note. — If non-homogeneous fog is used, the vertical variation in horizontal visibility should be described and included in the slant range visibility calculation used in the VGS computation.*				
4.e	**Visual System Capacity**							
4.e.1	System capacity – Day mode.	Not less than: 10,000 visible textured surfaces, 6,000 light points, 16 moving models.	Not applicable				X	Demonstrated through use of a visual scene rendered with the same image generator modes used to produce scenes for training. The required surfaces, light points, and moving models should be displayed simultaneously.
4.e.2	System capacity – Twilight/night mode.	Not less than: 10,000 visible textured surfaces, 15,000 light points, 16 moving models.	Not applicable				X	Demonstrated through use of a visual scene rendered with the same image generator modes used to produce scenes for training. The required surfaces, light points, and moving models

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
								should be displayed simultaneously.
5. Sound System. The sponsor will not be required to repeat the operational sound tests (i.e., tests 5.a.1. through 5.a.8. (or 5.b.1. through 5.b.9.) and 5.c., as appropriate) during continuing qualification evaluations if frequency response and background noise test results are within tolerance when compared to the initial qualification evaluation results, and the sponsor shows that no software changes have occurred that will affect the FTD's sound system. If the frequency response test method is chosen and fails, the sponsor may elect to fix the frequency response problem and repeat the test or the sponsor may elect to repeat the operational sound tests. If the operational sound tests are repeated during continuing qualification evaluations, the results may be compared against initial qualification evaluation results. All tests in this section must be presented using an unweighted 1/3-octave band format from band 17 to 42 (50 Hz to 16 kHz). A minimum 20 second average must be taken at a common location from where the initial evaluation sound results were gathered.								
5.a.	**Turbo-jet airplanes.**							All tests in this section should be presented using an unweighted 1/3-octave band format from at least band 17 to 42 (50 Hz to 16 kHz). A measurement of minimum 20 s should be taken at the location corresponding to the approved data set. Refer to paragraph 7 of Appendix A, Attachment 2.
5.a.1.	Ready for engine start.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between	Ground.	Normal condition prior to engine start. The APU must be on if appropriate.			X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		initial and recurrent evaluation results cannot exceed 2 dB.						
5.a.2.	All engines at idle.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.			X	
5.a.3.	All engines at maximum allowable thrust with brakes set.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed +5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.			X	
5.a.4.	Climb	Initial evaluation: Subjective assessment of 1/3 octave bands.	En-route climb.	Medium altitude.			X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.						
5.a.5.	Cruise	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Cruise.	Normal cruise configuration.			X	
5.a.6.	Speed brake/spoilers extended (as appropriate).	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute	Cruise.	Normal and constant speed brake deflection for descent at a constant airspeed and power setting.			X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		differences between initial and recurrent evaluation results cannot exceed 2 dB.						
5.a.7	Initial approach.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Approach.	Constant airspeed, gear up, flaps/slats as appropriate.			X	
5.a.8	Final approach.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Landing.	Constant airspeed, gear down, landing configuration flaps.			X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
5.b	**Propeller-driven airplanes**							All tests in this section should be presented using an unweighted 1/3-octave band format from at least band 17 to 42 (50 Hz to 16 kHz). A measurement of minimum 20 s should be taken at the location corresponding to the approved data set. Refer to paragraph 7 of Appendix A, Attachment 2.
5.b.1.	Ready for engine start.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed +5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to engine start. The APU must be on if appropriate.			X	
5.b.2	All propellers feathered, if applicable.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when	Ground.	Normal condition prior to take-off.			X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.						
5.b.3.	Ground idle or equivalent.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.			X	
5.b.4	Flight idle or equivalent.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.			X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
5.b.5	All engines at maximum allowable power with brakes set.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Ground.	Normal condition prior to takeoff.			X	
5.b.6	Climb.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	En-route climb.	Medium altitude.			X	
5.b.7	Cruise	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three	Cruise.	Normal cruise configuration.			X	

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.						
5.b.8	Initial approach.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	Approach.	Constant airspeed, gear up, flaps extended as appropriate, RPM as per operating manual.			X	
5.b.9	Final approach.	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results	Landing.	Constant airspeed, gear down, landing configuration flaps, RPM as per operating manual.			X	

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		cannot exceed 2 dB.						
5.c.	**Special cases.**	Initial evaluation: Subjective assessment of 1/3 octave bands. Recurrent evaluation: cannot exceed ±5 dB difference on three consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.	As appropriate.				X	This applies to special steady-state cases identified as particularly significant to the pilot, important in training, or unique to a specific airplane type or model.
5.d	**FTD background noise**	Initial evaluation: background noise levels must fall below the sound levels described in Appendix A, Attachment 2, Paragraph 7.c (5). Recurrent evaluation: ±3 dB per 1/3 octave band compared to initial evaluation.		Results of the background noise at initial qualification must be included in the QTG document and approved by the NSPM. The measurements are to be made with the simulation running, the sound muted and a dead cockpit.			X	The simulated sound will be evaluated to ensure that the background noise does not interfere with training. Refer to paragraph 7 of this Appendix A, Attachment 2. This test should be presented using an unweighted 1/3 octave band format from band 17 to 42 (50 Hz to 16 kHz).
5.e	**Frequency response**	Initial evaluation: not applicable. Recurrent evaluation: cannot exceed ±5 dB difference on three					X	Only required if the results are to be used during continuing qualification evaluations in lieu of airplane tests. The results must be approved by

Table B2A - Flight Training Device (FTD) Objective Tests								
QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
		consecutive bands when compared to initial evaluation and the average of the absolute differences between initial and recurrent evaluation results cannot exceed 2 dB.						the NSPM during the initial qualification. This test should be presented using an unweighted 1/3 octave band format from band 17 to 42 (50 Hz to 16 kHz).
6	**SYSTEMS INTEGRATION**							
6.a.	**System response time**							
6.a.1	Transport delay.	Instrument response: 100 ms (or less) after airplane response. Visual system response: 120 ms (or less) after airplane response.	Pitch, roll and yaw.				X	One separate test is required in each axis. Where EFVS systems are installed, the EFVS response should be within − or - 30 ms from visual system response, and not before motion system response. *Note.— The delay from the airplane EFVS electronic elements should be added to the 30 ms tolerance before comparison with visual system reference.*
6.a.2	Transport delay.	300 milliseconds or less after controller movement.	Pitch, roll and yaw.		X	X		If transport delay is the chosen method to demonstrate relative responses, the sponsor and the NSPM will use the latency values to ensure proper FTD response when reviewing those existing tests where latency can

Table B2A - Flight Training Device (FTD) Objective Tests

QPS REQUIREMENTS								INFORMATION
Test		Tolerance	Flight Conditions	Test Details	FTD Level			Notes
Entry Number	Title				5	6	7	
								be identified (e.g., short period, roll response, rudder response).

Table B2B - Alternative Data Source for FTD Level 5

Small, Single Engine (Reciprocating) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD if flight test data is not used to program the FTD.

Applicable Test		Authorized Performance Range
Entry Number	Title and Procedure	
1.	**Performance.**	
1.c	**Climb.**	
1.c.1.	Normal climb with nominal gross weight, at best rate-of-climb airspeed.	Climb rate = 500 - 1200 fpm (2.5 - 6 m/sec).
1.f.	**Engines.**	
1.f.1.	Acceleration; idle to takeoff power.	2 - 4 Seconds.
1.f.2.	Deceleration; takeoff power to idle.	2 - 4 Seconds.
2.	**Handling Qualities.**	
2.c.	**Longitudinal Tests.**	
2.c.1.	Power change force.	
	(a) Trim for straight and level flight at 80% of normal cruise airspeed with necessary power. Reduce power to flight idle. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Push).
	OR	

Table B2B - Alternative Data Source for FTD Level 5

Small, Single Engine (Reciprocating) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD
if flight test data is not used to program the FTD.

Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
	(b) Trim for straight and level flight at 80 percent of normal cruise airspeed with necessary power. Add power to maximum setting. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Pull).
2.c.2.	Flap/slat change force.	
	(a) Trim for straight and level flight with flaps fully retracted at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Extend the flaps to 50 percent of full flap travel. After stabilized, record stick force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Push).
	OR	
	b) Trim for straight and level flight with flaps extended to 50% of full flap travel, at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Retract the flaps to zero. After stabilized, record stick force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Pull).
2.c.4.	Gear change force.	
	(a) Trim for straight and level flight with landing gear retracted at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Extend the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2 - 12 lbs (0.88 - 5.3 daN) of force (Push).
	OR	
	(b) Trim for straight and level flight with landing gear extended, at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Retract the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2 - 12 lbs (0.88 - 5.3 daN) of force (Pull).
2.c.5.	Longitudinal trim.	Must be able to trim longitudinal stick force to "zero" in each of the following configurations: cruise; approach; and landing.
2.c.7.	Longitudinal static stability.	Must exhibit positive static stability.

Table B2B - Alternative Data Source for FTD Level 5

Small, Single Engine (Reciprocating) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD
if flight test data is not used to program the FTD.

Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
2.c.8.	Stall warning (actuation of stall warning device) with nominal gross weight; wings level; and a deceleration rate of not more than three (3) knots per second.	
	a) Landing configuration.	40 - 60 knots; ± 5° of bank.
	b) Clean configuration.	Landing configuration speed + 10 - 20%.
2.c.9.b.	Phugoid dynamics.	Must have a phugoid with a period of 30 - 60 seconds. May not reach ½ or double amplitude in less than 2 cycles.
2.d.	**Lateral Directional Tests.**	
2.d.2.	Roll response (rate). Roll rate must be measured through at least 30 degree of roll. Aileron control must be deflected 1/3 (33.3 percent) of maximum travel.	Must have a roll rate of 4° - 25°/second.
2.d.4.c.	Spiral stability. Cruise configuration and normal cruise airspeed. Establish a 20 degree - 30 degree bank. When stabilized, neutralize the aileron control and release. Must be completed in both directions of turn.	Initial bank angle (± 5°) after 20 seconds.
2.d.6.b.	Rudder response. Use 25 percent of maximum rudder deflection. (Applicable to approach or landing configuration.)	2° - 6° /second yaw rate.
2.d.8.	Steady state sideslip. Use 50 percent rudder deflection. (Applicable to approach and landing configurations.)	2 percent – 10 percent of bank; 4 percent - 10 percent of sideslip; and 2 percent -10 percent of aileron.
6.	FTD System Response Time.	
6.a.	Flight deck instrument systems response to an abrupt pilot controller input. One test is required in each axis (pitch, roll, yaw).	300 milliseconds or less.

Table B2C - Alternative Data Source for FTD Level 5

Small, Multi-Engine (Reciprocating) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD if flight test data is not used to program the FTD.

Applicable Test		Authorized Performance Range
Entry Number	**Title and Procedure**	
1.	**Performance.**	
1.c	**Climb.**	
1.c.1.	Normal climb with nominal gross weight, at best rate-of-climb airspeed.	Climb airspeed = 95 115 knots. Climb rate = 500 1500 fpm (2.5 7.5 m/sec)
1.f.	**Engines.**	
1.f.1.	Acceleration; idle to takeoff power.	2 - 5 Seconds.
1.f.2.	Deceleration; takeoff power to idle.	2 - 5 Seconds.
2.	**Handling Qualities.**	
2.c.	**Longitudinal Tests.**	
2.c.1.	Power change force.	
	(a) Trim for straight and level flight at 80 percent of normal cruise airspeed with necessary power. Reduce power to flight idle. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	10 - 25 lbs (2.2 - 6.6 daN) of force (Push).
	OR	
	(b) Trim for straight and level flight at 80 percent of normal cruise airspeed with necessary power. Add power to maximum setting. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Pull).
2.c.2.	Flap/slat change force.	
	(a) Trim for straight and level flight with flaps fully retracted at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Extend the flaps to 50 percent of full flap travel. After stabilized, record stick force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Push).

Table B2C - Alternative Data Source for FTD Level 5

Small, Multi-Engine (Reciprocating) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD if flight test data is not used to program the FTD.

Applicable Test		Authorized Performance Range
Entry Number	**Title and Procedure**	
	OR	
	(b) Trim for straight and level flight with flaps extended to 50 percent of full flap travel, at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Retract the flaps to zero. After stabilized, record stick force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Pull).
2.c.4.	Gear change force.	
	(a) Trim for straight and level flight with landing gear retracted at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Extend the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2 - 12 lbs (0.88 - 5.3 daN) of force (Push).
	OR	
	(b) Trim for straight and level flight with landing gear extended, at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Retract the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2 - 12 lbs (0.88 - 5.3 daN) of force (Pull).
2.c.5.	Longitudinal trim.	Must be able to trim longitudinal stick force to "zero" in each of the following configurations: cruise; approach; and landing.
2.c.7.	Longitudinal static stability.	Must exhibit positive static stability.
2.c.8.	Stall warning (actuation of stall warning device) with nominal gross weight; wings level; and a deceleration rate of not more than three (3) knots per second.	

Table B2C - Alternative Data Source for FTD Level 5

Small, Multi-Engine (Reciprocating) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD if flight test data is not used to program the FTD.

Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
	(a) Landing configuration.	60 - 90 knots; ± 5 degree of bank.
	(b) Clean configuration.	Landing configuration speed + 10 - 20%.
2.c.9.b.	Phugoid dynamics.	Must have a phugoid with a period of 30 - 60 seconds. May not reach ½ or double amplitude in less than 2 cycles.
2.d.	**Lateral Directional Tests.**	
2.d.2.	Roll response. Roll rate must be measured through at least 30 degree of roll. Aileron control must be deflected 1/3 (33.3 percent) of maximum travel.	Must have a roll rate of 4- 25 degree /second.
2.d.4.c.	Spiral stability. Cruise configuration and normal cruise airspeed. Establish a 20 degree – 30 degree bank. When stabilized, neutralize the aileron control and release. Must be completed in both directions of turn.	Initial bank angle (± 5 degree) after 20 seconds.
2.d.6.b.	Rudder response. Use 25 percent of maximum rudder deflection. (Applicable to approach or landing configuration.)	3 - 6 degree /second yaw rate.
2.d.8.	Steady state sideslip. Use 50 percent rudder deflection. (Applicable to approach and landing configurations.)	2 - 10 degree of bank; 4 - 10 degrees of sideslip; and 2 - 10 degree of aileron.
6.	**FTD System Response Time.**	
6.a.	Flight deck instrument systems response to an abrupt pilot controller input. One test is required in each axis (pitch, roll, yaw).	300 milliseconds or less.

Table B2D - Alternative Data Source for FTD Level 5

Small, Single Engine (Turbo-Propeller) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD
if flight test data is not used to program the FTD.

Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
1.	**Performance.**	
1.c	**Climb.**	
1.c.1.	Normal climb with nominal gross weight, at best rate-of-climb airspeed.	Climb airspeed – 95 – 115 knots. Climb rate = 800 – 1800 fpm (4 - 9 m/sec)
1.f.	**Engines.**	
1.f.1.	Acceleration; idle to takeoff power.	4 - 8 Seconds.
1.f.2.	Deceleration; takeoff power to idle.	3 - 7 Seconds.
2.	**Handling Qualities.**	
2.c.	**Longitudinal Tests.**	
2.c.1.	Power change force.	
	a) Trim for straight and level flight at 80 percent of normal cruise airspeed with necessary power. Reduce power to flight idle. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	8 lbs (3.5 daN) of Push force – 8 lbs (3.5 daN) of Pull force.
	OR	
	b) Trim for straight and level flight at 80 percent of normal cruise airspeed with necessary power. Add power to maximum setting. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	12 - 22 lbs (5.3 – 9.7 daN) of force (Pull).
2.c.2.	Flap/slat change force.	
	a) Trim for straight and level flight with flaps fully retracted at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Extend the flaps to 50 percent of full flap travel. After stabilized, record stick force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Push).
	OR	

Table B2D - Alternative Data Source for FTD Level 5

Small, Single Engine (Turbo-Propeller) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD
if flight test data is not used to program the FTD.

Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
	b) Trim for straight and level flight with flaps extended to 50 percent of full flap travel, at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Retract the flaps to zero. After stabilized, record stick force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Pull).
2.c.4.	Gear change force.	
	a) Trim for straight and level flight with landing gear retracted at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Extend the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2 - 12 lbs (0.88 - 5.3 daN) of force (Push).
	OR	
	b) Trim for straight and level flight with landing gear extended, at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Retract the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2 - 12 lbs (0.88 - 5.3 daN) of force (Pull).
2.c.5.	Longitudinal trim.	Must be able to trim longitudinal stick force to "zero" in each of the following configurations: cruise; approach; and landing.
2.c.7.	Longitudinal static stability.	Must exhibit positive static stability.
2.c.8.	Stall warning (actuation of stall warning device) with nominal gross weight; wings level; and a deceleration rate of not more than three (3) knots per second.	
	a) Landing configuration.	60 - 90 knots; ± 5 degree of bank.
	b) Clean configuration.	Landing configuration speed + 10 - 20 percent.
2.c.9.b.	Phugoid dynamics.	Must have a phugoid with a period of 30 - 60 seconds. May not reach ½ or double amplitude in less than 2 cycles.

Table B2D - Alternative Data Source for FTD Level 5

Small, Single Engine (Turbo-Propeller) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD if flight test data is not used to program the FTD.

Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
2.d.	**Lateral Directional Tests.**	
2.d.2.	Roll response. Roll rate must be measured through at least 30° of roll. Aileron control must be deflected 1/3 (33.3 percent) of maximum travel.	Must have a roll rate of 4 - 25 degree /second.
2.d.4.c.	Spiral stability. Cruise configuration and normal cruise airspeed. Establish a 20° - 30° bank. When stabilized, neutralize the aileron control and release. Must be completed in both directions of turn.	Initial bank angle (± 5 degree) after 20 seconds.
2.d.6.b.	Rudder response. Use 25 percent of maximum rudder deflection. (Applicable to approach or landing configuration.)	3 - 6 degree /second yaw rate.
2.d.8.	Steady state sideslip. Use 50 percent rudder deflection. (Applicable to approach and landing configurations.)	2 - 10 degree of bank; 4 - 10 degree of sideslip; and 2 - 10 degree of aileron.
6.	**FTD System Response Time.**	
6.a.	Flight deck instrument systems response to an abrupt pilot controller input. One test is required in each axis (pitch, roll, yaw).	300 milliseconds or less.

Table B2E - Alternative Data Source for FTD Level 5

Multi-Engine (Turbo-Propeller) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD
if flight test data is not used to program the FTD.

Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
1.	**Performance.**	
1.c	**Climb.**	
1.c.1.	Normal climb with nominal gross weight, at best rate-of-climb airspeed.	Climb airspeed = 120 – 140 knots. Climb rate – 1000 – 3000 fpm (5 - 15 m/sec)
1.f.	**Engines.**	
1.f.1.	Acceleration; idle to takeoff power.	2 - 6 Seconds.
1.f.2.	Deceleration; takeoff power to idle.	1 - 5 Seconds.
2.	**Handling Qualities.**	
2.c.	**Longitudinal Tests.**	
2.c.1.	Power change force.	
	a) Trim for straight and level flight at 80 percent of normal cruise airspeed with necessary power. Reduce power to flight idle. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	8 lbs (3.5 daN) of Push force to 8 lbs (3.5 daN) of Pull force.
	OR	
	b) Trim for straight and level flight at 80 percent of normal cruise airspeed with necessary power. Add power to maximum setting. Do not change trim or configuration. After stabilized, record column force necessary to maintain original airspeed.	12 - 22 lbs (5.3 – 9.7 daN) of force (Pull).
2.c.2.	Flap/slat change force.	
	a) Trim for straight and level flight with flaps fully retracted at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Extend the flaps to 50 percent of full flap travel. After stabilized, record stick force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Push).
	OR	

Table B2E - Alternative Data Source for FTD Level 5 Multi-Engine (Turbo-Propeller) Airplane QPS REQUIREMENT The performance parameters in this table must be used to program the FTD if flight test data is not used to program the FTD.		
Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
	b) Trim for straight and level flight with flaps extended to 50 percent of full flap travel, at a constant airspeed within the flaps-extended airspeed range. Do not adjust trim or power. Retract the flaps to zero. After stabilized, record stick force necessary to maintain original airspeed.	5 - 15 lbs (2.2 - 6.6 daN) of force (Pull).
2.c.4.	Gear change force.	
	a) Trim for straight and level flight with landing gear retracted at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Extend the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2 - 12 lbs (0.88 - 5.3 daN) of force (Push).
	OR	
	b) Trim for straight and level flight with landing gear extended, at a constant airspeed within the landing gear-extended airspeed range. Do not adjust trim or power. Retract the landing gear. After stabilized, record stick force necessary to maintain original airspeed.	2 - 12 lbs (0.88 - 5.3 daN) of force (Pull).
2.c.5.	Longitudinal trim.	Must be able to trim longitudinal stick force to "zero" in each of the following configurations: cruise; approach; and landing.
2.c.7.	Longitudinal static stability.	Must exhibit positive static stability.
2.c.8.	Stall warning (actuation of stall warning device) with nominal gross weight; wings level; and a deceleration rate of not more than three (3) knots per second.	
	a) Landing configuration.	80 - 100 knots; ± 5° of bank.
	b) Clean configuration.	Landing configuration speed + 10 - 20 percent.
2.c.9.b.	Phugoid dynamics.	Must have a phugoid with a period of 30 - 60 seconds. May not reach ½ or double amplitude in less than 2 cycles.
2.d.	**Lateral Directional Tests.**	

Table B2E - Alternative Data Source for FTD Level 5

Multi-Engine (Turbo-Propeller) Airplane

QPS REQUIREMENT

The performance parameters in this table must be used to program the FTD
if flight test data is not used to program the FTD.

Applicable Test		**Authorized Performance Range**
Entry Number	**Title and Procedure**	
2.d.2.	Roll response. Roll rate must be measured through at least 30 degree of roll. Aileron control must be deflected 1/3 (33.3 percent) of maximum travel.	Must have a roll rate of 4 - 25 degree /second.
2.d.4.c.	Spiral stability. Cruise configuration and normal cruise airspeed. Establish a 20 - 30 dgree bank. When stabilized, neutralize the aileron control and release. Must be completed in both directions of turn.	Initial bank angle (± 5°) after 20 seconds.
2.d.6.b.	Rudder response. Use 25 percent of maximum rudder deflection. (Applicable to approach or landing configuration.)	3 - 6 degree /second yaw rate.
2.d.8.	Steady state sideslip. Use 50 percent rudder deflection. (Applicable to approach and landing configurations.)	2 - 10 degree of bank; 4 - 10 degree of sideslip; and 2 -10 degree of aileron.
6.	**FTD System Response Time.**	
6.a.	Flight deck instrument systems response to an abrupt pilot controller input. One test is required in each axis (pitch, roll, yaw).	300 milliseconds or less.

■ 6. Correct the tables appearing on pages 18377–18387 to read as follows:

Table B3D - Table of Functions and Subjective Tests
Level 7 FTD

QPS REQUIREMENTS

Entry Number	**Operations Tasks**
	Tasks in this table are subject to evaluation if appropriate for the airplane simulated as indicated in the SOQ Configuration List or the level of FTD qualification involved. Items not installed or not functional on the FTD and, therefore, not appearing on the SOQ Configuration List, are not required to be listed as exceptions on the SOQ.
1.	**Preparation For Flight**
1.a.	**Pre-flight.** Accomplish a functions check of all switches, indicators, systems, and equipment at all crew members' and instructors' stations and determine that:
1.a.1	The flight deck design and functions are identical to that of the airplane simulated.
2.	**Surface Operations (pre-flight).**
2.a.	**Engine Start.**
2.a.1.	Normal start.
2.a.2.	Alternate start procedures.
2.a.3.	Abnormal starts and shutdowns (e.g., hot/hung start, tail pipe fire).
2.b.	**Taxi.**
2.b.1	Pushback/powerback
2.b.2.	Thrust response.
2.b.3.	Power lever friction.
2.b.4.	Ground handling.
2.b.5.	Reserved
2.b.6.	Taxi aids (e.g. taxi camera, moving map)
2.b.7.	Low visibility (taxi route, signage, lighting, markings, etc.)
2.c.	**Brake Operation**
2.c.1.	Brake operation (normal and alternate/emergency).
2.c.2.	Brake fade (if applicable).
3.	**Take-off.**
3.a.	**Normal.**
3.a.1.	Airplane/engine parameter relationships, including run-up.
3.a.2.	Nosewheel and rudder steering.
3.a.3.	Crosswind (maximum demonstrated and gusting crosswind).
3.a.4.	Special performance
3.a.4.a	Reduced V_1
3.a.4.b	Maximum engine de-rate.
3.a.4.c	Soft surface.
3.a.4.d	Short field/short take-off and landing (STOL) operations.
3.a.4.e	Obstacle (performance over visual obstacle).
3.a.5.	Low visibility take-off.
3.a.6.	Landing gear, wing flap leading edge device operation.
3.a.7.	Contaminated runway operation.
3.b.	Abnormal/emergency.

Table B3D - Table of Functions and Subjective Tests Level 7 FTD	
QPS REQUIREMENTS	
Entry Number	**Operations Tasks**
3.b.1.	Rejected Take-off.
3.b.2.	Rejected special performance (e.g., reduced V_1, max de-rate, short field operations).
3.b.3.	Rejected take-off with contaminated runway.
3.b.4.	Takeoff with a propulsion system malfunction (allowing an analysis of causes, symptoms, recognition, and the effects on aircraft performance and handling) at the following points: . (iii) Prior to V1 decision speed. (iv) Between V1 and Vr (rotation speed). (iii)Between Vr and 500 feet above ground level.
3.b.5.	Flight control system failures, reconfiguration modes, manual reversion and associated handling.
4.	**Climb.**
4.a.	Normal.
4.b.	One or more engines inoperative.
4.c.	Approach climb in icing (for airplanes with icing accountability).
5.	**Cruise.**
5.a.	**Performance characteristics (speed vs. power, configuration, and attitude)**
5.a.1.	Straight and level flight.
5.a.2.	Change of airspeed.
5.a.3.	High altitude handling.
5.a.4.	High Mach number handling (Mach tuck, Mach buffet) and recovery (trim change).
5.a.5.	Overspeed warning (in excess of V_{mo} or M_{mo}).
5.a.6.	High IAS handling.
5.b.	**Maneuvers.**
5.b.1.	High Angle of Attack
5.b.1.a	High angle of attack, approach to stalls, stall warning, and stall buffet (take-off, cruise, approach, and landing configuration) including reaction of the autoflight system and stall protection system.
5.b.1.b	Reserved
5.b.2.	Slow flight
5.b.3.	Reserved
5.b.4.	Flight envelope protection (high angle of attack, bank limit, overspeed, etc.).
5.b.5.	Turns with/without speedbrake/spoilers deployed.
5.b.6.	Normal and standard rate turns.
5.b.7.	Steep turns
5.b.8.	Performance turn
5.b.9.	In flight engine shutdown and restart (assisted and windmill).
5.b.10.	Maneuvering with one or more engines inoperative, as appropriate.
5.b.11.	Specific flight characteristics (e.g., direct lift control).
5.b.12.	Flight control system failures, reconfiguration modes, manual reversion and associated handling.
5.b.13	Gliding to a forced landing.

Table B3D - Table of Functions and Subjective Tests Level 7 FTD	
QPS REQUIREMENTS	
Entry Number	**Operations Tasks**
5.b.14	Visual resolution and FSTD handling and performance for the following (where applicable by aircraft type and training program):
5.b.14.a	Terrain accuracy for forced landing area selection.
5.b.14.b	Terrain accuracy for VFR Navigation.
5.b.14.c	Eights on pylons (visual resolution).
5.b.14.d	Turns about a point.
5.b.14.e	S-turns about a road or section line.
6.	**Descent.**
6.a.	Normal.
6.b.	Maximum rate/emergency (clean and with speedbrake, etc.).
6.c.	With autopilot.
6.d.	Flight control system failures, reconfiguration modes, manual reversion and associated handling.
7.	**Instrument Approaches And Landing.** Those instrument approach and landing tests relevant to the simulated airplane type are selected from the following list. Some tests are made with limiting wind velocities, under windshear conditions, and with relevant system failures, including the failure of the Flight Director. If Standard Operating Procedures allow use autopilot for non-precision approaches, evaluation of the autopilot will be included.
7.a.	**Precision approach**
7.a.1	CAT I published approaches.
7.a.1.a	Manual approach with/without flight director including landing.
7.a.1.b	Autopilot/autothrottle coupled approach and manual landing.
7.a.1.c	Autopilot/autothrottle coupled approach, engine(s) inoperative.
7.a.1.d	Manual approach, engine(s) inoperative.
7.a.1.e	HUD/EFVS
7.a.2	CAT II published approaches.
7.a.2.a	Autopilot/autothrottle coupled approach to DH and landing (manual and autoland).
7.a.2.b	Autopilot/autothrottle coupled approach with one-engine-inoperative approach to DH and go-around (manual and autopilot).
7.a.2.c	HUD/EFVS
7.a.3	CAT III published approaches.
7.a.3.a	Autopilot/autothrottle coupled approach to landing and roll-out (if applicable) guidance (manual and autoland).
7.a.3.b	Autopilot/autothrottle coupled approach to DH and go-around (manual and autopilot).
7.a.3.c	Autopilot/autothrottle coupled approach to land and roll-out (if applicable) guidance with one engine inoperative (manual and autoland).
7.a.3.d	Autopilot/autothrottle coupled approach to DH and go-around with one engine inoperative (manual and autopilot).
7.a.3.e	HUD/EFVS
7.a.4	Autopilot/autothrottle coupled approach (to a landing or to a go-around):

Table B3D - Table of Functions and Subjective Tests
Level 7 FTD

QPS REQUIREMENTS	
Entry Number	**Operations Tasks**
7.a.4.a	With generator failure.
7.a.4.b.1	With maximum tail wind component certified or authorized.
7.a.4.b.2	Reserved
7.a.4.c.1	With maximum crosswind component demonstrated or authorized.
7.a.4.c.2	Reserved
7.a.5	PAR approach, all engine(s) operating and with one or more engine(s) inoperative.
7.a.6	MLS, GBAS, all engine(s) operating and with one or more engine(s) inoperative.
7.b.	**Non-precision approach.**
7.b.1	Surveillance radar approach, all engine(s) operating and with one or more engine(s) inoperative.
7.b.2	NDB approach, all engine(s) operating and with one or more engine(s) inoperative.
7.b.3	VOR, VOR/DME, TACAN approach, all engines(s) operating and with one or more engine(s) inoperative.
7.b.4	RNAV / RNP / GNSS (RNP at nominal and minimum authorized temperatures) approach, all engine(s) operating and with one or more engine(s) inoperative.
7.b.5	ILS LLZ (LOC), LLZ back course (or LOC-BC) approach, all engine(s) operating and with one or more engine(s) inoperative.
7.b.6	ILS offset localizer approach, all engine(s) operating and with one or more engine(s) inoperative.
7.c	**Approach procedures with vertical guidance (APV), e.g. SBAS, flight path vector.**
7.c.1	APV/baro-VNAV approach, all engine(s) operating and with one or more engine(s) inoperative.
7.c.2	Area navigation (RNAV) approach procedures based on SBAS, all engine(s) operating and with one or more engine(s) inoperative.
8.	**Visual Approaches (Visual Segment) And Landings.** Flight simulators with visual systems, which permit completing a special approach procedure in accordance with applicable regulations, may be approved for that particular approach procedure.
8.a.	Maneuvering, normal approach and landing, all engines operating with and without visual approach aid guidance.
8.b.	Approach and landing with one or more engines inoperative.
8.c.	Operation of landing gear, flap/slats and speedbrakes (normal and abnormal).
8.d.	Approach and landing with crosswind (max. demonstrated and gusting crosswind).
8.e.	Approach and landing with flight control system failures, reconfiguration modes, manual reversion and associated handling (most significant degradation which is probable).
8.e.1.	Approach and landing with trim malfunctions.
8.e.1.a	Longitudinal trim malfunction.
8.e.1.b	Lateral-directional trim malfunction.

Table B3D - Table of Functions and Subjective Tests Level 7 FTD	
QPS REQUIREMENTS	
Entry Number	**Operations Tasks**
8.f.	Approach and landing with standby (minimum) electrical/hydraulic power.
8.g.	Approach and landing from circling conditions (circling approach).
8.h.	Approach and landing from visual traffic pattern.
8.i.	Approach and landing from non-precision approach.
8.j.	Approach and landing from precision approach.
9.	**Missed Approach.**
9.a.	All engines, manual and autopilot.
9.b.	Engine(s) inoperative, manual and autopilot.
9.c.	Rejected landing
9.d.	With flight control system failures, reconfiguration modes, manual reversion and associated handling.
9.e.	Reserved
10.	**Surface Operations (landing, after-landing and post-flight).**
10.a	**Landing roll and taxi.**
10.a.1	HUD/EFVS.
10.a.2.	Spoiler operation.
10.a.3.	Reverse thrust operation.
10.a.4.	Directional control and ground handling, both with and without reverse thrust.
10.a.5.	Reduction of rudder effectiveness with increased reverse thrust (rear pod-mounted engines).
10.a.6.	Brake and anti-skid operation
10.a.6.a	Brake and anti-skid operation with dry, patchy wet, wet on rubber residue, and patchy icy conditions.
10.a.6.b	Reserved
10.a.6.c	Reserved
10.a.6.d	Auto-braking system operation.
10.b	**Engine shutdown and parking.**
10.b.1	Engine and systems operation.
10.b.2	Parking brake operation.
11.	**Any Flight Phase.**
11.a.	**Airplane and engine systems operation (where fitted).**
11.a.1.	Air conditioning and pressurization (ECS).
11.a.2.	De-icing/anti-icing.
11.a.3.	Auxiliary power unit (APU).
11.a.4.	Communications.
11.a.5.	Electrical.
11.a.6.	Fire and smoke detection and suppression.
11.a.7.	Flight controls (primary and secondary).
11.a.8.	Fuel and oil
11.a.9.	Hydraulic
11.a.10.	Pneumatic
11.a.11.	Landing gear.
11.a.12.	Oxygen.
11.a.13.	Engine.

Table B3D - Table of Functions and Subjective Tests Level 7 FTD	
QPS REQUIREMENTS	
Entry Number	**Operations Tasks**
11.a.14.	Airborne radar.
11.a.15.	Autopilot and Flight Director.
11.a.16.	Terrain awareness warning systems and collision avoidance systems (e.g. EGPWS, GPWS, TCAS).
11.a.17.	Flight control computers including stability and control augmentation.
11.a.18.	Flight display systems.
11.a.19.	Flight management computers.
11.a.20.	Head-up displays (including EFVS, if appropriate).
11.a.21.	Navigation systems
11.a.22.	Stall warning/avoidance
11.a.23.	Wind shear avoidance/recovery guidance equipment
11.a.24.	Flight envelope protections
11.a.25.	Electronic flight bag
11.a.26.	Automatic checklists (normal, abnormal and emergency procedures).
11.a.27.	Runway alerting and advisory system.
11.b.	**Airborne procedures.**
11.b.1.	Holding.
11.b.2.	Air hazard avoidance (traffic, weather, including visual correlation).
11.b.3.	Windshear.
11.b.3.a	Prior to take-off rotation.
11.b.3.b	At lift-off
11.b.3.c	During initial climb.
11.b.3.d	On final approach, below 150 m (500 ft) AGL.
11.b.4.	Reserved

Table B3E - Functions And Subjective Tests
Level 7 FTD

QPS REQUIREMENTS

Entry Number	Airport Modeling Requirements
This table specifies the minimum airport model content and functionality to qualify a simulator at the indicated level. This table applies only to the airport models required for FTD qualification.	
Begin QPS Requirements	
1.	**Reserved**
2.a.	**Functional test content requirements**
2.a.1	**Airport scenes**
2.a.1.a	A minimum of three (3) real-world airport models to be consistent with published data used for airplane operations and capable of demonstrating all the visual system features below. Each model should be in a different visual scene to permit assessment of FSTD automatic visual scene changes. The model identifications must be acceptable to the sponsor's TPAA, selectable from the IOS, and listed on the SOQ.
2.a.1.b	Reserved
2.a.1.c	Reserved
2.a.1.d	**Airport model content.** For circling approaches, all tests apply to the runway used for the initial approach and to the runway of intended landing. If all runways in an airport model used to meet the requirements of this attachment are not designated as "in use," then the "in use" runways must be listed on the SOQ (e.g., KORD, Rwys 9R, 14L, 22R). Models of airports with more than one runway must have all significant runways not "in-use" visually depicted for airport and runway recognition purposes. The use of white or off white light strings that identify the runway threshold, edges, and ends for twilight and night scenes are acceptable for this requirement. Rectangular surface depictions are acceptable for daylight scenes. A visual system's capabilities must be balanced between providing airport models with an accurate representation of the airport and a realistic representation of the surrounding environment. Airport model detail must be developed using airport pictures, construction drawings and maps, or other similar data, or developed in accordance with published regulatory material; however, this does not require that such models contain details that are beyond the design capability of the currently qualified visual system. Only one "primary" taxi route from parking to the runway end will be required for each "in-use" runway.
2.a.2	**Visual scene fidelity.**
2.a.2.a	The visual scene must correctly represent the parts of the airport and its surroundings used in the training program.
2.a.2.b	Reserved
2.a.2.c	Reserved
2.a.3	**Runways and taxiways.**
2.a.3.a	Reserved
2.a.3.b	Representative runways and taxiways.
2.a.3.c	Reserved
2.a.4	Reserved
2.a.5	Runway threshold elevations and locations must be modeled to provide correlation with airplane systems (e.g. HUD, GPS, compass, altimeter).

Table B3E - Functions And Subjective Tests
Level 7 FTD

QPS REQUIREMENTS

Entry Number	**Airport Modeling Requirements**
2.a.6	Reserved
2.a.7	**Runway surface and markings for each "in-use" runway must include the following, if appropriate:**
2.a.7.a	Threshold markings.
2.a.7.b	Runway numbers.
2.a.7.c	Touchdown zone markings.
2.a.7.d	Fixed distance markings.
2.a.7.e	Edge markings.
2.a.7.f	Center line markings.
2.a.7.g	Reserved
2.a.7.h	Reserved
2.a.7.i	Windsock that gives appropriate wind cues.
2.a.8	**Runway lighting of appropriate colors, directionality, behavior and spacing for the "in-use" runway including the following:**
2.a.8.a	Threshold lights.
2.a.8.b	Edge lights.
2.a.8.c	End lights.
2.a.8.d	Center line lights.
2.a.8.e	Touchdown zone lights.
2.a.8.f	Lead-off lights.
2.a.8.g	Appropriate visual landing aid(s) for that runway.
2.a.8.h	Appropriate approach lighting system for that runway.
2.a.9	**Taxiway surface and markings (associated with each "in-use" runway):**
2.a.9.a	Edge markings
2.a.9.b	Center line markings.
2.a.9.c	Runway holding position markings.
2.a.9.d	ILS critical area markings.
2.a.9.e	Reserved
2.a.10	**Taxiway lighting of appropriate colors, directionality, behavior and spacing (associated with each "in-use" runway):**
2.a.10.a	Edge lights.
2.a.10.b	Center line lights.
2.a.10.c	Runway holding position and ILS critical area lights.
2.a.11	**Required visual model correlation with other aspects of the airport environment simulation.**
2.a.11.a	The airport model must be properly aligned with the navigational aids that are associated with operations at the runway "in-use".
2.a.11.b	Reserved
2.a.12	**Airport buildings, structures and lighting.**
2.a.12.a	Buildings, structures and lighting:
2.a.12.a.1	Reserved

Table B3E - Functions And Subjective Tests Level 7 FTD	
QPS REQUIREMENTS	
Entry Number	**Airport Modeling Requirements**
2.a.12.a.2	Representative airport buildings, structures and lighting.
2.a.12.a.3	Reserved
2.a.12.b	Reserved
2.a.12.c	Representative moving and static airport clutter (e.g. other airplanes, power carts, tugs, fuel trucks, additional gates).
2.a.12.d	Reserved
2.a.13	**Terrain and obstacles.**
2.a.13.a	Reserved
2.a.13.b	Representative depiction of terrain and obstacles within 46 km (25 NM) of the reference airport.
2.a.14	**Significant, identifiable natural and cultural features.**
2.a.14.a	Reserved
2.a.14.b	Representative depiction of significant and identifiable natural and cultural features within 46 km (25 NM) of the reference airport. *Note.— This refers to natural and cultural features that are typically used for pilot orientation in flight. Outlying airports not intended for landing need only provide a reasonable facsimile of runway orientation.*
2.a.14.c	Representative moving airborne traffic (including the capability to present air hazards – e.g. airborne traffic on a possible collision course).
2.b	**Visual scene management.**
2.b.1	Reserved
2.b.2	Airport runway, approach and taxiway lighting and cultural lighting intensity for any approach should be set at an intensity representative of that used in training for the visibility set; all visual scene light points must fade into view appropriately.
2.b.3	Reserved
2.c	**Visual feature recognition.** *Note.— The following are the minimum distances at which runway features should be visible. Distances are measured from runway threshold to an airplane aligned with the runway on an extended 3-degree glide slope in suitable simulated meteorological conditions. For circling approaches, all tests below apply both to the runway used for the initial approach and to the runway of intended landing.*
2.c.1	Runway definition, strobe lights, approach lights, and runway edge white lights from 8 km (5 sm) of the runway threshold.
2.c.2	**Visual approach aids lights.**
2.c.2.a	Reserved
2.c.2.b	Visual approach aids lights from 4.8 km (3 sm) of the runway threshold.
2.c.3	Runway center line lights and taxiway definition from 4.8 km (3 sm).
2.c.4	Threshold lights and touchdown zone lights from 3.2 km (2 sm).
2.c.5	Reserved
2.c.6	For circling approaches, the runway of intended landing and associated lighting must fade into view in a non-distracting manner.
2.d	**Selectable airport visual scene capability for:**

Table B3E - Functions And Subjective Tests Level 7 FTD	
QPS REQUIREMENTS	
Entry Number	**Airport Modeling Requirements**
2.d.1	Night.
2.d.2	Twilight.
2.d.3	Day.
2.d.4	Dynamic effects — the capability to present multiple ground and air hazards such as another airplane crossing the active runway or converging airborne traffic; hazards must be selectable via controls at the instructor station.
2.d.5	Reserved
2.e	**Correlation with airplane and associated equipment.**
2.e.1	Visual cues to relate to actual airplane responses.
2.e.2	**Visual cues during take-off, approach and landing.**
2.e.2.a	Visual cues to assess sink rate and depth perception during landings.
2.e.2.b	Reserved
2.e.3	Accurate portrayal of environment relating to airplane attitudes.
2.e.4	The visual scene must correlate with integrated airplane systems, where fitted (e.g. terrain, traffic and weather avoidance systems and HUD/EFVS).
2.e.5	Reserved
2.f	**Scene quality.**
2.f.1	**Quantization.**
2.f.1.a	Surfaces and textural cues must be free from apparent quantization (aliasing).
2.f.1.b	Reserved
2.f.2	System capable of portraying full color realistic textural cues.
2.f.3	The system light points must be free from distracting jitter, smearing or streaking.
2.f.4	Reserved
2.f.5	System capable of providing light point perspective growth (e.g. relative size of runway and taxiway edge lights increase as the lights are approached).
2.g	**Environmental effects.**
2.g.1	Reserved
2.g.2	Reserved
2.g.3	Reserved
2.g.4	Reserved
2.g.5	Reserved
2.g.6	Reserved
2.g.7	Visibility and RVR measured in terms of distance. Visibility/RVR must be checked at and below a height of 600 m (2 000 ft) above the airport and within a radius of 16 km (10 sm) from the airport.
2.g.8	Reserved
2.g.9	Reserved
2.g.10	Reserved
2.g.11	Reserved
	End QPS Requirement

Begin Information

Table B3E - Functions And Subjective Tests Level 7 FTD	
QPS REQUIREMENTS	
Entry Number	**Airport Modeling Requirements**
3.	An example of being able to "combine two airport models to achieve two "in-use" runways: One runway designated as the "in use" runway in the first model of the airport, and the second runway designated as the "in use" runway in the second model of the same airport. For example, the clearance is for the ILS approach to Runway 27, Circle to Land on Runway 18 right. Two airport visual models might be used: the first with Runway 27 designated as the "in use" runway for the approach to runway 27, and the second with Runway 18 Right designated as the "in use" runway. When the pilot breaks off the ILS approach to runway 27, the instructor may change to the second airport visual model in which runway 18 Right is designated as the "in use" runway, and the pilot would make a visual approach and landing. This process is acceptable to the FAA as long as the temporary interruption due to the visual model change is not distracting to the pilot, does not cause changes in navigational radio frequencies, and does not cause undue instructor/evaluator time.
4.	Sponsors are not required to provide every detail of a runway, but the detail that is provided should be correct within the capabilities of the system. **End Information**

Table B3F - Functions and Subjective Tests Level 7 FTD	
QPS REQUIREMENTS	
Entry Number	**Sound System Requirements**
The following checks are performed during a normal flight profile.	
1.	Precipitation.
2.	Reserved
3.	Significant airplane noises perceptible to the pilot during normal operations.
4.	Abnormal operations for which there are associated sound cues including, engine malfunctions, landing gear/tire malfunctions, tail and engine pod strike and pressurization malfunction.
5.	Sound of a crash when the flight simulator is landed in excess of limitations.

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Part III

Federal Deposit Insurance Corporation

12 CFR Part 327
Assessments; Final Rule

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

RIN 3064–AE37

Assessments

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is amending its rules to refine the deposit insurance assessment system for small insured depository institutions that have been federally insured for at least five years (established small banks) by: Revising the financial ratios method so that it is based on a statistical model estimating the probability of failure over three years; updating the financial measures used in the financial ratios method consistent with the statistical model; and eliminating risk categories for established small banks and using the financial ratios method to determine assessment rates for all such banks (subject to minimum or maximum initial assessment rates based upon a bank's CAMELS composite rating). Under current regulations, deposit insurance assessment rates will decrease once the deposit insurance fund (DIF or fund) reserve ratio reaches 1.15 percent. The final rule preserves the range of initial assessment rates authorized under current regulations.

DATES: The final rule is effective July 1, 2016.

Applicability date: If the reserve ratio reaches 1.15 percent before that date, the assessment system described in the final rule will become operative July 1, 2016. If the reserve ratio has not reached 1.15 percent by that date, the assessment system described in the final rule will become operative the first day of the calendar quarter after the reserve ratio reaches 1.15 percent.

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SUPPLEMENTARY INFORMATION:

I. Background

Policy Objectives

The primary purpose of the final rule is to improve the risk-based deposit insurance assessment system applicable to established small banks to more accurately reflect risk.[1] Additional discussion of the policy objectives of the final rule can be found in the notice of proposed rulemaking adopted by the FDIC's Board of Directors (Board) on June 6, 2015.[2]

Risk-Based Deposit Insurance Assessments for Established Small Banks

Since 2007, assessment rates for established small banks (that is, small banks other than new small banks and insured branches of foreign banks)[3] have been determined by placing each bank into one of four risk categories, Risk Categories I, II, III, and IV.[4] These four risk categories are based on two criteria: Capital levels and supervisory ratings. The three capital groups—well capitalized, adequately capitalized, and undercapitalized—are based on the leverage ratio and three risk-based capital ratios used for regulatory capital purposes.[5] The three supervisory groups, termed A, B, and C, are based upon supervisory evaluations by the small bank's primary federal regulator, state regulator, or the FDIC.[6] Group A consists of financially sound institutions with only a few minor weaknesses (generally, banks with CAMELS composite ratings of 1 or 2); Group B consists of institutions that demonstrate weaknesses that, if not corrected, could result in significant deterioration of the institution and increased risk of loss to the DIF (generally, banks with CAMELS composite ratings of 3); and Group C consists of institutions that pose a substantial probability of loss to the DIF unless effective corrective action is taken (generally, banks with CAMELS composite ratings of 4 or 5).[7] An institution's capital group and supervisory group determine its risk category as set out in Table 1 below.

TABLE 1—DETERMINATION OF RISK CATEGORY

Capital group	Supervisory group		
	A CAMELS 1 or 2	B CAMELS 3	C CAMELS 4 or 5
Well Capitalized	Risk Category I.	Risk Category II	Risk Category III.
Adequately Capitalized			

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[1] 12 U.S.C. 1817(b). A "risk-based assessment system" means a system for calculating an insured depository institution's deposit insurance assessment based on the institution's probability of causing a loss to the DIF due to the composition and concentration of the institution's assets and liabilities, the likely amount of any such loss, and the revenue needs of the DIF. See 12 U.S.C. 1817(b)(1)(C).

As used in this final rule, the term "bank" is synonymous with the term "insured depository institution" as it is used in section 3(c)(2) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1813(c)(2). As used in this final rule, the term "small bank" is synonymous with the term "small institution" as it is used in 12 CFR 327.8. In general, a "small bank" is one with less than $10 billion in total assets.

[2] See 80 FR at 40838 and 40842 (July 13, 2015).

[3] Subject to exceptions, an established insured depository institution is one that has been federally insured for at least five years as of the last day of any quarter for which it is being assessed. 12 CFR 327.8(k).

[4] On January 1, 2007, the FDIC instituted separate assessment systems for small and large banks. 71 FR 69282 (Nov. 30, 2006). See 12 U.S.C. 1817(b)(1)(D) (granting the Board the authority to establish separate risk-based assessment systems for large and small insured depository institutions).

[5] The common equity tier 1 capital ratio was incorporated into the deposit insurance assessment system effective January 1, 2015. 79 FR 70427 (November 26, 2014). Beginning January 1, 2018, a supplementary leverage ratio will also be used to determine whether an advanced approaches bank is: (a) Well capitalized, if the bank is subject to the enhanced supplementary leverage ratio standards under 12 CFR 6.4(c)(1)(iv)(B), 12 CFR 208.43(c)(1)(iv)(B), or 12 CFR 324.403(b)(1)(vi), as each may be amended from time to time; and (b) adequately capitalized, if the bank is subject to the advanced approaches risk-based capital rules under 12 CFR 6.4(c)(2)(iv)(B), 12 CFR 208.43(c)(2)(iv)(B), or 12 CFR 324.403(b)(2)(vi), as each may be amended from time to time. 79 FR 70427, 70437 (November 26, 2014). The supplementary leverage ratio is expected to affect the capital group assignment of few, if any, small banks.

[6] The term "primary federal regulator" is synonymous with the term "appropriate federal banking agency" as it is used in section 3(q) of the FDI Act, 12 U.S.C. 1813(q).

[7] A financial institution is assigned a CAMELS composite rating based on an evaluation and rating of six essential components of an institution's financial condition and operations. These component factors address the adequacy of capital (C), the quality of assets (A), the capability of management (M), the quality and level of earnings (E), the adequacy of liquidity (L), and sensitivity to market risk (S).

TABLE 1—DETERMINATION OF RISK CATEGORY—Continued

Capital group	Supervisory group		
	A CAMELS 1 or 2	B CAMELS 3	C CAMELS 4 or 5
Under Capitalized	Risk Category III		Risk Category IV.

To further differentiate risk within Risk Category I (which includes most small banks), the FDIC uses the *financial ratios method,* which combines a weighted average of supervisory CAMELS component ratings[8] with current financial ratios to determine a small Risk Category I bank's initial assessment rate.[9]

Within Risk Category I, those institutions that pose the least risk are charged a minimum initial assessment rate and those that pose the greatest risk are charged an initial assessment rate that is four basis points higher than the minimum. All other banks within Risk Category I are charged a rate that varies between these rates. In contrast, all banks in Risk Category II are charged the same initial assessment rate, which is higher than the maximum initial rate for Risk Category I. A single, higher, initial assessment rate applies to each bank in Risk Category III and another, higher, rate to each bank in Risk Category IV.[10]

To determine a Risk Category I bank's initial assessment rate, the weighted CAMELS components and financial ratios are multiplied by statistically derived pricing multipliers, the products are summed, and the sum is added to a uniform amount that applies to all Risk Category I banks. If, however, the rate is below the minimum initial assessment rate for Risk Category I, the bank will pay the minimum initial assessment rate; if the rate derived is above the maximum initial assessment rate for Risk Category I, then the bank will pay the maximum initial rate for the risk category.

The financial ratios used to determine rates come from a statistical model that predicts the probability that a Risk Category I institution will be downgraded from a CAMELS composite rating of 1 or 2 to a rating of 3 or worse within one year. The probability of a CAMELS downgrade is intended as a proxy for the bank's probability of failure. When the model was developed in 2006, the FDIC decided not to attempt to determine a bank's probability of failure because of the lack of bank failures in the years between the end of the bank and thrift crisis in the early 1990s and 2006.[11]

The financial ratios method does not apply to new small banks or to insured branches of foreign banks (insured branches).[12]

Assessment Rates Under Current Rules

In 2011, the FDIC adopted a schedule of assessment rates designed to ensure that the reserve ratio reaches 1.15 percent by September 30, 2020.[13]

The initial assessment rates currently in effect for small and large banks are set forth in Table 2 below.[14]

TABLE 2—INITIAL BASE ASSESSMENT RATES

[In basis points per annum]

	Risk category					
	I*		II	III	IV	Large & highly complex institutions**
	Minimum	Maximum				
Annual Rates (in basis points)	5	9	14	23	35	5–35

* Initial base rates that are not the minimum or maximum will vary between these rates.
** See 12 CFR 327.8(f) and 12 CFR 327.8(g) for the definition of large and highly complex institutions.

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[8] The weights applied to CAMELS components are as follows: 25 percent each for Capital and Management; 20 percent for Asset quality; and 10 percent each for Earnings, Liquidity, and Sensitivity to market risk. These weights reflect the view of the FDIC regarding the relative importance of each of the CAMELS components for differentiating risk among institutions for deposit insurance assessment purposes. The FDIC and other bank supervisors do not use such a system to determine CAMELS composite ratings.

[9] New small banks in Risk Category I, however, are charged the highest initial assessment rate in effect for that risk category. Subject to exceptions, a new bank is one that has been federally insured for less than five years as of the last day of any quarter for which it is being assessed. 12 CFR 327.8(j).

[10] In 2011, the Board revised and approved regular assessment rate schedules. See 76 FR 10672 (Feb. 25, 2011); 12 CFR 327.10.

[11] See 71 FR 41910, 41913 (July 24, 2006).

[12] Insured branches are deemed small banks for purposes of the deposit insurance assessment system.

[13] See 76 FR 10672. Among other things, the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act), enacted in July 2010: (1) Raised the minimum designated reserve ratio (DRR), which the FDIC must set each year, to 1.35 percent (from the former minimum of 1.15 percent) and removed the upper limit on the DRR (which was formerly capped at 1.5 percent), 12 U.S.C. 1817(b)(3)(B); (2) required that the fund reserve ratio reach 1.35 percent by September 30, 2020 (rather than 1.15 percent by the end of 2016, as formerly required), 12 U.S.C. 1817(note); and (3) required that, in setting assessments, the FDIC "offset the effect of [requiring that the reserve ratio reach 1.35 percent by September 30, 2020] on insured depository institutions with total consolidated assets of less than $10,000,000,000," 12 U.S.C. 1817(note). On March 15, 2016, the FDIC adopted a final rule to implement the Dodd-Frank Act requirements that the fund reserve ratio reach 1.35 percent by September 30, 2020, and that the effect of the higher minimum reserve ratio on insured depository institutions with total consolidated assets of less than $10 billion be offset. See 81 FR 16059 (Mar. 25, 2016).

[14] Before adopting the assessment rate schedules currently in effect, the FDIC undertook a historical analysis to determine how high the reserve ratio would have to have been to have maintained both a positive balance and stable assessment rates from 1950 through 2010. The historical analysis and long-term fund management plan are described at 76 FR at 10675 and 75 FR 66272, 66272–66281 (Oct. 27, 2010). The analysis shows that the fund reserve ratio would have needed to be approximately 2 percent or more before the onset of the 1980s and 2008 crises to maintain both a positive fund balance and stable assessment rates, assuming, in lieu of dividends, that the long-term industry average nominal assessment rate would have been reduced by 25 percent when the reserve ratio reached 2 percent, and by 50 percent when the reserve ratio reached 2.5 percent.

An institution's total assessment rate may vary from the initial assessment rate as the result of possible adjustments.[15] After applying all possible adjustments, minimum and maximum total assessment rates for each risk category are set forth in Table 3 below.

TABLE 3—TOTAL BASE ASSESSMENT RATES *

[In basis points per annum]

	Risk category I	Risk category II	Risk category III	Risk category IV	Large & highly complex institutions **
Initial Base Assessment Rate	5–9	14	23	35	5–35.
Unsecured Debt Adjustment ***	−4.5 to 0	−5 to 0	−5 to 0	−5 to 0	−5 to 0.
Brokered Deposit Adjustment	N/A	0 to 10	0 to 10	0 to 10	0 to 10.
Total Base Assessment Rate	2.5 to 9	9 to 24	18 to 33	30 to 45	2.5 to 45.

* Total base assessment rates do not include the DIDA.

** See 12 CFR 327.8(f) and (g) for the definition of large and highly complex institutions.

*** The unsecured debt adjustment cannot exceed the lesser of 5 basis points or 50 percent of an insured depository institution's initial base assessment rate. The unsecured debt adjustment does not apply to new banks or insured branches.

In 2011, consistent with the FDIC's long-term fund management plan, the Board adopted lower, moderate assessment rates that will go into effect when the DIF reserve ratio reaches 1.15 percent.[16] Pursuant to the FDIC's authority to set assessments, the regulations currently provide that the initial and total base assessment rates set forth in Table 4 below will take effect beginning the assessment period after the fund reserve ratio first meets or exceeds 1.15 percent, without the necessity of further action by the Board. The rates are to remain in effect unless and until the reserve ratio meets or exceeds 2 percent.[17]

TABLE 4—INITIAL AND TOTAL BASE ASSESSMENT RATES *

[In basis points per annum]

[Once the reserve ratio reaches 1.15 percent [18]]

	Risk category I	Risk category II	Risk category III	Risk category IV	Large & highly complex institutions **
Initial Base Assessment Rate	3–7	12	19	30	3–30.
Unsecured Debt Adjustment ***	−3.5 to 0	−5 to 0	−5 to 0	−5 to 0	−5 to 0.
Brokered Deposit Adjustment	N/A	0 to 10	0 to 10	0 to 10	0 to 10.
Total Base Assessment Rate	1.5 to 7	7 to 22	14 to 29	25 to 40	1.5 to 40.

* Total base assessment rates do not include the DIDA.

** See 12 CFR 327.8(f) and (g) for the definition of large and highly complex institutions.

*** The unsecured debt adjustment cannot exceed the lesser of 5 basis points or 50 percent of an insured depository institution's initial base assessment rate; thus, for example, an insured depository institution with an initial base assessment rate of 3 basis points will have a maximum unsecured debt adjustment of 1.5 basis points and cannot have a total base assessment rate lower than 1.5 basis points. The unsecured debt adjustment does not apply to new banks or insured branches.

In lieu of dividends, and pursuant to the FDIC's authority to set assessments and consistent with the FDIC's long-term fund management plan, the Board also adopted a lower schedule of assessment rates that will take effect without further action by the Board when the fund reserve ratio at the end of the prior assessment period meets or exceeds 2 percent, but is less than 2.5 percent, and another, still lower, schedule of assessment rates that will take effect, again, without further action by the Board, when the fund reserve ratio at the end of the prior assessment period meets or exceeds 2.5 percent.

The Board, by regulation, may adopt rates without further notice and comment rulemaking that are higher or lower than the total assessment rates (also known as the total base assessment rates), provided that: (1) The Board cannot increase or decrease rates from one quarter to the next by more than two basis points; and (2) cumulative increases and decreases cannot be more than two basis points higher or lower than the total base assessment rates.[19]

The 2015 Notice of Proposed Rulemaking

On June 16, 2015, the Board authorized publication of a notice of proposed rulemaking (2015 NPR) to refine the deposit insurance assessment system for established small banks. The 2015 NPR was published in the **Federal Register** on July 13, 2015.[20] In the 2015 NPR, the FDIC proposed to improve the assessment system applicable to established small banks by: (1) Revising the financial ratios method so that it would be based on a statistical model estimating the probability of failure over three years; (2) updating the financial measures used in the financial ratios method consistent with the statistical model; and (3) eliminating risk categories for all established small banks and using the financial ratios method to determine assessment rates for all such banks. CAMELS composite ratings, however, would be used to place a maximum on the assessment rates that CAMELS composite 1- and 2-rated banks could be charged and minimums on the assessment rates that CAMELS composite 3-, 4- and 5-rated banks could be charged.

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[15] A bank's total base assessment rate can vary from its initial base assessment rate as the result of three possible adjustments. Two of these adjustments—the unsecured debt adjustment and the depository institution debt adjustment (DIDA)—apply to all banks (except that the unsecured debt adjustment does not apply to new banks or insured branches). The unsecured debt adjustment lowers a bank's assessment rate based on the bank's ratio of long-term unsecured debt to the bank's assessment base. The DIDA increases a bank's assessment rate when it holds long-term, unsecured debt issued by another insured depository institution. The third possible adjustment—the brokered deposit adjustment—applies only to small banks in Risk Category II, III and IV and to large and highly complex institutions that are not well capitalized or that are not CAMELS composite 1 or 2-rated. It does not apply to insured branches. The brokered deposit adjustment increases a bank's assessment when it holds significant amounts of brokered deposits. 12 CFR 327.9 (d).

[16] See 76 FR at 10717–720.

[17] For new banks, however, the rates will remain in effect even if the reserve ratio equals or exceeds 2 percent (or 2.5 percent).

[18] The reserve ratio for the immediately prior assessment period must also be less than 2 percent.

[19] See 12 CFR 327.10(f); 76 FR at 10684.

[20] See 80 FR 40838 (July 13, 2015).

The FDIC received a total of 484 comment letters in response to the 2015 NPR. Of these, 45 were from trade groups and 439 were from individuals or banks. These comments addressed many aspects of the proposal, including the loan mix index and the one-year asset growth measure, but the majority of comments expressed concern regarding the proposed treatment of reciprocal deposits in the 2015 NPR.

The 2016 Notice of Proposed Rulemaking

On January 21, 2016, the Board authorized publication of a second notice of proposed rulemaking (the 2016 revised NPR) to revise the 2015 NPR in response to comments received. The 2016 revised NPR was published in the **Federal Register** on February 4, 2016.[21] The broad outline of the 2016 revised NPR remained the same as the 2015 NPR, but revised the proposal by: (1) Using a brokered deposit ratio (that treats reciprocal deposits the same as under current regulations)—rather than the core deposit ratio proposed in the 2015 NPR—as a measure in the proposed financial ratios method for calculating assessment rates for all established small banks; (2) removing the existing brokered deposit adjustment applicable to certain established small banks, which is made duplicative by the new brokered deposit ratio; (3) revising the one-year asset growth measure, another of the financial ratios method measures proposed in the 2015 NPR; (4) re-estimating the statistical model underlying the established small bank deposit insurance assessment system; (5) revising the uniform amount and pricing multipliers used in the financial ratios method; and (6) providing that any future changes to the statistical model underlying the established small bank deposit insurance assessment system would go through notice-and-comment rulemaking.

The FDIC received a total of 19 comment letters in response to the 2016 revised NPR. Of these, 7 were from trade groups and 12 were from individuals or banks. Comments addressed both the revisions to the proposal made by the 2016 revised NPR and aspects of the proposal that remained unchanged from the 2015 NPR, such as the loan mix index.

All comments, those received on the 2015 NPR and the 2016 revised NPR, were considered in developing this final rule. Comments are discussed in the relevant sections that follow.

II. The Final Rule

Description of the Final Rule

The final rule adopts the proposals in the 2016 revised NPR as proposed.

The financial ratios method in the final rule uses the measures described in the right-hand column of Table 5 below. For comparison's sake, the measures currently used in the financial ratios method are set out on the left-hand column of the table. To avoid unnecessary burden, the final rule will not require established small banks to report any new data in their Reports of Condition and Income (Call Reports).

TABLE 5—COMPARISON OF CURRENT AND FINAL RULE MEASURES IN THE FINANCIAL RATIOS METHOD

Current Risk Category I financial ratios method	Final rule financial ratios method
• Weighted Average CAMELS Component Rating	• Weighted Average CAMELS Component Rating.
• Tier 1 Leverage Ratio.	• Leverage Ratio.[22]
• Net Income before Taxes/Risk-Weighted Assets	• Net Income before Taxes/Total Assets.
• Nonperforming Assets/Gross Assets	• Nonperforming Loans and Leases/Gross Assets. • Other Real Estate Owned/Gross Assets.
• Adjusted Brokered Deposit Ratio	• Brokered Deposit Ratio. • One Year Asset Growth.
• Net Loan Charge-Offs/Gross Assets	
• Loans Past Due 30–89 Days/Gross Assets	
	• Loan Mix Index.

All of the measures in the final rule are derived from a statistical model that estimates a bank's probability of failure within three years. Each of the measures is statistically significant in predicting a bank's probability of failure over that period. The estimation of the statistical model uses bank financial data and CAMELS ratings from 1985 through 2011, failure data from 1986 through 2014, and loan charge-off data from 2001 through 2014.[23] Appendix 1 to the **SUPPLEMENTARY INFORMATION** section of the 2015 NPR and the 2016 revised NPR, and appendix E to the 2016 revised NPR, describe the statistical model and the derivation of these measures in detail.[24]

Three of the measures in the final rule—the weighted average CAMELS component rating, the leverage ratio, and the net income ratio measure—are identical or very similar to the measures currently used in the financial ratios method.[25] The current nonperforming

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[21] See 81 FR 6108 (Feb. 4, 2016).

[22] The tier 1 leverage ratio is now known as the leverage ratio.

[23] For certain lagged variables, such as one-year asset growth rates, the statistical analysis also used bank financial data from 1984.

[24] See 80 FR at 40857–872 (Appendix 1 in 2015 NPR), 81 FR at 6124–35 (Appendix 1 in 2016 revised NPR), and 81 FR at 6153–55 (appendix E in 2016 revised NPR).

[25] The denominator in the net income before taxes/total assets measure is total assets rather than risk-weighted assets as under current rules. Also, the definition of the net income measure no longer refers to extraordinary items. The numerator of the net income measure definition is income before applicable income taxes and discontinued operations for the most recent twelve months, rather than income before income taxes and extraordinary items and other adjustments for the most recent twelve months as in the 2015 NPR and current rules. In the current Call Report, extraordinary items and discontinued operations are combined for reporting purposes. Income for the net income ratio is currently determined before both extraordinary items and discontinued operations. In January 2015, the Financial Accounting Standards Board (FASB) eliminated from U.S. generally accepted accounting principles (GAAP) the concept of extraordinary items, effective for fiscal years and interim periods within those fiscal years, beginning after December 15, 2015. In September 2015, the FDIC, the Office of the Comptroller of the Currency, and the Board of Governors of the Federal Reserve System (collectively, the Federal banking agencies)

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assets/gross assets measure includes other real estate owned. In the final rule, other real estate owned/gross assets is a separate measure from nonperforming loans and leases/gross assets.

The remaining three financial measures—the brokered deposit ratio, the one-year asset growth measure and the loan mix index—are described in detail below.[26] The brokered deposit ratio and the one-year asset growth measure replace the current adjusted brokered deposit ratio.

Brokered Deposit Ratio

Under current assessment rules, brokered deposits affect a small bank's assessment rate based on its risk category. For established small banks that are assigned to Risk Category I (those that are well capitalized and have a CAMELS composite rating of 1 or 2), the adjusted brokered deposit ratio is one of the financial ratios used to determine a bank's initial assessment rate. The adjusted brokered deposit ratio increases a bank's initial assessment rate when a bank has both brokered deposits that exceed 10 percent of its domestic deposits and a high asset growth rate.[27] Reciprocal deposits are not included with other brokered deposits in the adjusted brokered deposit ratio.[28]

Established small banks in Risk Categories II, III, and IV (those that are less than well capitalized or that have a CAMELS composite rating of 3, 4, or 5) are subject to the brokered deposit adjustment, one of three possible adjustments that can increase or decrease a bank's initial assessment rate. The brokered deposit adjustment increases a bank's assessment rate if it has brokered deposits in excess of 10 percent of its domestic deposits.[29] Unlike the adjusted brokered deposit ratio, the brokered deposit adjustment includes *all* brokered deposits, *including* reciprocal deposits, and is not affected by asset growth rates.

The final rule replaces the adjusted brokered deposit ratio currently used in the financial ratios method with a brokered deposit ratio, defined as the ratio of brokered deposits to total assets, and with a one-year asset growth measure, which is discussed later. The final rule also eliminates the existing brokered deposit adjustment applicable to established small banks outside Risk Category I. Under the new brokered deposit ratio applicable to all established small banks, brokered deposits in excess of 10 percent of total assets may increase assessment rates. For a bank that is well capitalized and has a CAMELS composite rating of 1 or 2, reciprocal deposits will be deducted from brokered deposits. For a bank that is less than well capitalized or has a CAMELS composite rating of 3, 4 or 5, however, reciprocal deposits will be included with other brokered deposits.

Most commenters on the 2016 revised NPR discussed the changes related to the brokered deposit ratio. Some commenters supported using a brokered deposit ratio and some expressed support for excluding reciprocal deposits from the brokered deposit ratio for banks that are well capitalized and have a CAMELS composite rating of 1 or 2. This treatment of reciprocal deposits is generally consistent with the 442 comment letters on the 2015 NPR arguing that reciprocal deposits should not be treated as brokered deposits for assessment purposes or, similarly, that the final rule should reflect the current treatment of reciprocal deposits.

The brokered deposit ratio as defined in the final rule is also consistent with the 16 comment letters on the 2015 NPR cautioning against penalizing the use of Federal Home Loan Bank advances in determining assessment rates. The final rule does not change the current treatment of Federal Home Loan Bank advances in the small bank deposit insurance assessment system. The FDIC received two comments on the 2016 revised NPR supporting the FDIC's responsiveness to these concerns.

The FDIC received two comment letters on the 2016 revised NPR reiterating the argument made in 40 comment letters on the 2015 NPR that reciprocal deposits should be treated as core deposits or are the functional equivalent of core deposits. Commenters argued that reciprocal deposits do not present the same risks as brokered deposits, such as excessive growth or liquidity problems, and therefore should be formally recognized as a low risk, desirable source of funds. One commenter on the 2016 revised NPR argued that reciprocal deposits should not be included with brokered deposits even for banks that are less than well capitalized or have a CAMELS composite rating of 3, 4 or 5, because a bank's deposits are already adequately accounted for under the "L" ("Liquidity") component of a bank's CAMELS rating.

As stated in the 2016 revised NPR, however, the FDIC analyzed the characteristics of reciprocal deposits in its Study on Core Deposits and Brokered Deposits and concluded that, "While the FDIC agrees that reciprocal deposits do not present all of the problems that traditional brokered deposits present, they pose sufficient potential problems—particularly their dependence on a network and the network's continued willingness to allow a bank to participate, and the potential of supporting rapid growth if not based upon a relationship—that *they should not be considered core . . .*" [30] (Emphasis added.) As the FDIC noted when it adopted the current brokered deposit adjustment and included reciprocal deposits with other brokered deposits in the adjustment, "The statutory restrictions on accepting, renewing or rolling over brokered deposits when an institution becomes

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published a joint Paperwork Reduction Act (PRA) notice and request for comment on proposed changes to the Call Report, including the elimination of the concept of extraordinary items and revision of affected data items. See 80 FR 56539 (Sept. 18, 2015). That PRA process is still in progress and the FDIC expects that, at some future time, references to extraordinary items will be removed from the Call Report. Nevertheless, items that would have met the criteria for classification as extraordinary before the effective date of the FASB's accounting change will no longer be reported as such in the Call Report income statement after the effective date of the change. Discontinued operations, however, will continue to be reported in the Call Report income statement as a separate item in the future, and income for the net income ratio will be determined before discontinued operations. Therefore, the FDIC is defining the net income measure to reflect the anticipated Call Report changes. The FDIC recognizes that this final rule may become effective before the Federal banking agencies finalize the proposed Call Report changes.

Because the numerator of the net income measure is defined to include income for the most recent twelve months, there may be a transition period in which income for the most recent twelve months may include income from periods before the elimination from GAAP of the concept of extraordinary items has taken effect. For those portions of the most recent twelve months before this elimination has taken effect, income will be determined as income before income taxes and extraordinary items and other adjustments.

[26] Two measures in the current financial ratios method—net loan charge-offs/gross assets and loans past due 30–89 days/gross assets—were analyzed but are not used in the final statistical analysis and are not among the measures in this final rule.

[27] The adjusted brokered deposit ratio can affect assessment rates only if a bank's brokered deposits (excluding reciprocal deposits) exceed 10 percent of its domestic deposits and its assets have grown more than 40 percent in the previous 4 years. 12 CFR part 327, appendix A to subpart A.

Few Risk Category I banks have both high levels of non-reciprocal brokered deposits and high asset growth, so the adjusted brokered deposit ratio affects relatively few banks. As of December 31, 2015, the adjusted brokered deposit ratio affected the assessment rate of 111 banks.

[28] Reciprocal deposits are deposits that an insured depository institution receives through a deposit placement network on a reciprocal basis, such that: (1) For any deposit received, the institution (as agent for depositors) places the same amount with other insured depository institutions through the network; and (2) each member of the network sets the interest rate to be paid on the entire amount of funds it places with other network members. See 12 CFR 327.8(q).

[29] 12 CFR 327.9(d)(3); 12 U.S.C. 1831f.

[30] FDIC Study on Core Deposits and Brokered Deposits (2011), 54.

less than well capitalized apply to all brokered deposits, including reciprocal deposits. Market restrictions may also apply to these reciprocal deposits when an institution's condition declines." [31] The brokered deposit ratio, which deducts reciprocal deposits for well-capitalized, well-rated banks, is consistent with these statutory restrictions and with the FDIC Study on Core Deposits and Brokered Deposits.

Three commenters on the 2016 revised NPR reiterated the argument they made in their comments on the 2015 NPR that the FDIC should not charge higher assessment rates to banks that hold brokered deposits, but should instead consider how banks use brokered deposits and whether they remain profitable and well capitalized. The FDIC also received letters on both the 2016 revised NPR and the 2015 NPR suggesting that specific types of brokered deposits—including stable retail deposits, certain custodial accounts, and longer maturing brokered CDs used to manage interest rate risk—be excluded from the brokered deposit ratio, and arguing that these deposits have similar characteristics to reciprocal deposits and are less risky than other brokered deposits.

Small banks do not report data on particular types of brokered deposits (other than reciprocal deposits). Because of this lack of data, the FDIC cannot analyze individual types of brokered deposits statistically. In any event, the FDIC's statistical analyses and other studies have found that brokered deposits in general are correlated with a higher probability of failure and, as was acknowledged by one commenter, higher losses upon failure.[32] Collecting additional data on particular types of brokered deposits is not likely to improve the assessment system's ability to distinguish risk enough to warrant the additional reporting burden it would impose on small banks.

One-Year Asset Growth Measure

In response to comments on the 2015 NPR that the one-year asset growth measure should not penalize normal asset growth, the final rule uses a one-year asset growth measure that increases an established small bank's assessment rate only if it has had one-year asset growth greater than 10 percent.

The FDIC received 6 comments on the 2016 revised NPR supporting the change from the asset growth measure as proposed in the 2015 NPR. Some commenters, however, remained concerned that the measure inappropriately penalizes banks for growth that may not be risky, arguing that a bank can exceed the 10 percent threshold for reasons such as the failure of a competitor, economic conditions, or an influx of deposits invested in high-quality assets. A few commenters suggested using CAMELS component ratings, such as a bank's rating for the "A" ("Asset quality") or "S" ("Sensitivity to market risk") components, in place of or to limit the effect of the one-year asset growth measure.

The one-year asset growth measure will raise assessment rates for established small banks that grow rapidly (other than through merger or by acquiring failed banks), but will not increase assessments for normal asset growth.[33] The FDIC analyzed whether replacing the one-year asset growth measure with the CAMELS component ratings suggested by some commenters would improve the statistical model underlying the small bank assessment system adopted in this final rule. The FDIC's analyses show that, when the asset growth measure is replaced by the CAMELS components suggested by commenters, the components are highly statistically insignificant.[34] [35] Thus, these CAMELS components cannot be used to substitute for the one-year asset growth measure.

Combining the Brokered Deposit Ratio and One-Year Asset Growth Measure

The FDIC received 4 comment letters on the 2016 revised NPR suggesting that the FDIC use a measure that increases assessments only for banks that have both rapid asset growth and high levels of brokered deposits, similar to the current adjusted brokered deposit ratio. Commenters asserted that using separate variables is not supported by the nature of brokered deposit risk or by the statistical model underlying the proposed small bank deposit insurance system. One commenter submitted the results of a statistical analysis it had undertaken that, in the commenter's view, demonstrates that a combined measure performed better in more recent years. (The commenter was unable to use CAMELS ratings in its statistical analysis, since these ratings are confidential.)

The FDIC conducted its own backtest of the assessment system in the final rule and compared it with a backtest of an assessment system using a combined measure, as suggested by commenters. The FDIC's comparison revealed that, overall, the assessment system in the final rule actually performed better in recent years, particularly immediately before the recent banking crisis, in discriminating between banks that failed within three years and those that did not.[36]

Moreover, as discussed earlier, brokered deposits pose risks other than enabling banks to engage in rapid asset growth. Brokered deposits increase a bank's probability of failure (even after controlling for asset growth) and increase the loss to the DIF in the event of failure.[37] In addition, rapid asset growth can be funded by liabilities other than brokered deposits. The FDIC's analysis of the 354 banks that, during the recent crisis, grew rapidly in the years before they failed reveals that, while brokered deposits funded a significant amount of growth, other funding sources also contributed significantly to growth. Increasing assessments only for banks that have both high levels of brokered deposits and rapid asset growth would allow small banks to have large amounts of brokered deposits or rapid asset growth without any effect on their assessment rates.

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[31] 74 FR 9525, 9541 (Mar. 9, 2009). 12 U.S.C. 1831f.

[32] See FDIC Study on Core Deposits and Brokered Deposits (2011), 38–44, 46–47 and 66–68 (Appendix A: Excerpts from Material Loss Reviews And Summaries of OIG Semiannual Reports to Congress).

[33] From 1985 through 2014, one-year asset growth rates greater than 10 percent represented approximately the 70th percentile of small banks. A 10 percent one-year asset growth rate measure is generally consistent with the adjusted brokered deposit ratio in the current Risk Category I financial ratios method, which raises assessment rates only when small banks have both four-year asset growth rates in excess of 40 percent and high levels of brokered deposits.

[34] Furthermore, some of the results of the analyses suggest that assessment rates would increase for a bank with a better component ratings, rather than decrease.

[35] In the analysis of the alternative suggested by commenters, the weighted average of CAMELS component ratings was revised to exclude the components that were included as separate variables.

[36] The FDIC tested how well the assessment system in the final rule, which uses separate measures for brokered deposits and asset growth, would have differentiated during the recent crisis between banks that failed and those that did not compared to an assessment system that used a combined measure (based on the interaction between brokered deposits and asset growth). In each case, the FDIC, unlike the commenter, was able to use CAMELS component ratings. The FDIC determined out-of-sample accuracy ratios for the assessment system in the final rule and compared these accuracy ratios with accuracy ratios for an assessment system using separate measures to determine how well each version of the system would have differentiated between banks that failed within the projection period and those that did not. The projection period in each case was the three years following the date of the projection; the dates of projection were the last day of the years 2006 through 2011. (An accuracy ratio compares how well a model would have discriminated between banks that failed within the projection period and banks that did not.) For each year's projection, the assessment system in the final rule had accuracy ratios that were equal to or better than the accuracy ratios for the system using a combined measure. In most years of the backtest, the accuracy ratios were similar; in the 2006 projection (predicting failures from 2007 through 2009), however, the accuracy ratio for the assessment system using separate measures was significantly better than the accuracy ratio for the assessment system using a combined measure. (Accuracy ratios are discussed in more detail later.)

[37] See FDIC Study on Core Deposits and Brokered Deposits (2011), 38–44 and 46–47.

Loan Mix Index

The loan mix index is a measure of the extent to which a bank's total assets include higher-risk categories of loans. The index uses historical industry-wide charge-off rates to identify loan types with higher risk.[38] Each category of loan in a bank's loan portfolio is divided by the bank's total assets to determine the percentage of the bank's assets represented by that category of loan. Each percentage is then multiplied by that category of loan's historical weighted average industry-wide charge-off rate. The products are then summed to determine the loan mix index value for that bank.

The loan categories in the loan mix index were selected based on the availability of category-specific charge-off rates over a sufficiently lengthy period (2001 through 2014) to be representative. The loan categories exclude credit card loans.[39] For each loan category's weighted-average industry-wide charge-off rate, the weight for each year's charge-off rate is proportional to the number of bank failures in that year. Thus, charge-off rates from 2008 through 2014, during the recent banking crisis, have a much greater influence on the weighted-average charge-off rate than do charge-off rates from the years before the crisis, when few failures occurred. The weighted averages assure that types of loans that have high charge-off rates during downturns (*i.e.*, periods marked by significant DIF losses) have an appropriate influence on assessment rates.

Table 6 below illustrates how the loan mix index is calculated for a hypothetical bank.

TABLE 6—LOAN MIX INDEX FOR A HYPOTHETICAL BANK[40]

	Weighted charge-off rate percent	Loan category as a percent of hypothetical bank's total assests	Product of two columns to the left
Construction & Development	4.50	1.40	6.29
Commercial & Industrial	1.60	24.24	38.75
Leases	1.50	0.64	0.96
Other Consumer	1.46	14.93	21.74
Loans to Foreign Government	1.34	0.24	0.32
Real Estate Loans Residual	1.02	0.11	0.11
Multifamily Residential	0.88	2.42	2.14
Nonfarm Nonresidential	0.73	13.71	9.99
1–4 Family Residential	0.70	2.27	1.58
Loans to Depository banks	0.58	1.15	0.66
Agricultural Real Estate	0.24	3.43	0.82
Agriculture	0.24	5.91	1.44
SUM (Loan Mix Index)	....	70.45	84.79

The weighted charge-off rates in the table are the same for all established small banks. The remaining two columns vary from bank to bank, depending on the bank's loan portfolio. For each loan type, the value in the rightmost column is calculated by multiplying the weighted charge-off rate by the bank's loans of that type as a percent of its total assets. In this illustration, the sum of the right-hand column (84.79) is the loan mix index for this bank.

The FDIC received 30 comments on the 2015 NPR and 11 comments on the revised 2016 NPR (10 from the same commenters who responded to the 2015 NPR) on the loan mix index. These comments expressed views that the loan mix index is a poor indicator of risk because it does not account for factors such as the quality of loan underwriting, geographic variation, risk mitigating factors such as collateral or guarantees, and an individual bank's historical loss ratios. Commenters argued that these factors are more relevant to an individual bank's risk than industry-wide charge-off rates for each loan type based on the most recent financial crisis. Several commenters argued for modifying the loan mix index, while others argued for eliminating the loan mix index and instead using measures of a bank's own average asset quality over time (delinquencies, nonperforming assets, and net charge-offs, for example, as suggested by a banking trade group) or CAMELS component ratings.

For several reasons, the loan mix index does not incorporate a bank's quality of loan underwriting, geographic variation, risk mitigating factors, or individual historical loss rates on types of loans. First, as some commenters noted, the data that banks report in the Call Report are not sufficient or specific enough to distinguish these risk factors by loan category. Collecting the data needed to take these factors into account likely would not improve the assessment system's ability to distinguish for risk enough to warrant the additional reporting burden it would impose on small banks.

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[38] "Industry-wide" charge-off rates are charge-off rates for all small banks.

[39] Credit card loans were excluded from the loan mix index because they produced anomalously high assessment rates for banks with significant credit card loans. Credit card loans have very high charge-off rates, but they also tend to have very high interest rates to compensate. In addition, few small banks have significant concentrations of credit card loans.

[40] As discussed above, the loan mix index uses loan charge-off data from 2001 through 2014.

The table shows industry-wide weighted charge-off percentage rates, the loan category as a percentage of total assets, and the products to two decimal places. In fact, the final rule uses seven decimal places for industry-wide weighted charge-off percentage rates, and as many decimal places as permitted by the FDIC's computer systems for the loan category as a percentage of total assets and the products. The total (the loan mix index itself) uses three decimal places.

Second, underwriting quality directly or indirectly affects, and is reflected in, several other measures in the financial ratios method, including the weighted average CAMELS component rating, the nonperforming loans and leases measure, the other real estate owned measure, and the net income measure. Therefore, the final rule should not deter a bank from making well underwritten loans of any type, since good underwriting quality will be reflected in other financial and supervisory measures and will reduce the bank's assessment rate.

Third, an individual bank's loss rates on the types of loans in the loan mix index do not necessarily demonstrate how the bank will fare in the future. Low loss rates may result from lending in areas that suffered less in the recent downturn. If a bank's low loss rates simply reflect comparatively less stressful conditions in the bank's primary lending area during the past crisis, they will not reveal how the bank would fare during a period of severe stress similar to that recently observed in other areas of the country. Since it is not possible to predict which areas of the country will be affected by the next downturn, the loan mix index uses industry-wide average annual charge-off rates for each category of loan, including commercial and development (C&D) and commercial and industrial (C&I) loans, weighted by the number of bank failures in each year.

Although these reasons are sufficient to preclude replacing the loan mix index, the FDIC nevertheless undertook statistical analyses of a trade group's suggestion to replace the loan mix index with a bank's own recent history of delinquencies, nonperforming assets, and net charge-offs. The FDIC tried various combinations of these measures, but the measures did not perform as well as the measures in the statistical model in the final rule in estimating the likelihood of failure.[41]

The FDIC also analyzed whether replacing the loan mix index with the "A" CAMELS component, as suggested by some commenters, would improve the statistical model. Again, the statistical model in the final rule performed better in estimating failure probability than this alternative.[42]

Several commenters argued that the loan mix index, which uses charge-off rates from 2001 through 2014, is weighted too heavily by the most recent recession. For example, some commenters cited the failure of agricultural and residential mortgage lenders in the 1980s and early 1990s. Several commenters said that the weighted charge-off rates assigned to C&D and C&I loans are inappropriately high.

The loan mix index uses loan charge-off data from 2001 through 2014 to calculate weights for each loan category because charge-off data for some of the loan categories in the loan mix index is not available before 2001. Nevertheless, asset concentrations in commercial real estate (CRE) loans—in particular, C&D loans—have been found to contribute to bank failures in *both* the recent crisis and the earlier crisis of the 1980s and early 1990s. For example, Material Loss Reviews and Reports to Congress from the FDIC Office of Inspector General (OIG) have concluded that significant concentrations in riskier assets, such as C&D loans (also termed acquisition, development, and construction, or ADC loans), and other CRE loans, contribute to bank failure.[43] The FDIC's analysis of the banking crisis of the 1980s and early 1990s also finds that concentrations of CRE loans (including C&D loans) relative to total assets were higher for banks that subsequently failed than for banks that did not fail.[44] FDIC analysis finds that established small banks that had a ratio of C&D loans to assets of 50 percent or more as of the end of 2008 failed over the next five years at ten times the rate of established small banks with lower ratios.

One banking trade group suggested that the annual industry-wide charge-off rates used to determine charge-off rates in the loan mix index should not be weighted more heavily in years with many bank failures than in years with few bank failures.

Annual industry-wide charge-off rates for each type of loan in the loan mix index are weighted by the number of bank failures in each year to assure that types of loans that have high charge-off rates during downturns have an appropriate influence on assessment rates. Loss rates observed in periods characterized by a higher rate of bank failures are more relevant to the risk of loss to the DIF than loss experience in other periods.

Nevertheless, the FDIC conducted a backtest of the assessment system in the final rule and compared it with a backtest of an assessment system that uses a loan mix index based on a simple average of industry-wide annual charge-off rates (where each annual charge-off rate is weighted equally) for each loan type, as suggested by the commenter. The FDIC's comparison revealed that the assessment system in the final rule would have performed better, particularly in the early part of the last crisis, in discriminating between banks that subsequently failed within three years and those that did not fail.[45]

According to 24 commenters, the use of annual industry-wide charge-off rates weighted by bank failures during the recent crisis could lead banks to reduce certain types of lending and increase others.

The loan mix index reflects the performance of loan types over many years and appropriately assigns higher assessment rates to banks with concentrations in types of loans that have been demonstrated over two crises to be more costly to the DIF than to banks that do not have such concentrations. FDIC analysis finds only a small effect—or none at all—on a small bank's assessment rate from an incremental increase in the balance of any loan category (including C&D loans) in the loan mix index.[46] Consequently,

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[41] Although the measures suggested by the commenters reflect loan quality, including them in the statistical model does not add information beyond that already provided by other measures, since the statistical model in the final rule also relies on six other measures based on a banks' own balance sheet and income statement.

[42] Under the suggested alternative, the "A" component was not statistically significant, and some of the results of the analysis suggested that assessment rates should increase for a bank with a better "A" component ratings, rather than decrease. Estimation problems of this nature can occur when new variables are added that are strongly correlated with variables already in a model.

[43] See FDIC Study on Core Deposits and Brokered Deposits (2011), Appendix A: Excerpts from Material Loss Reviews And Summaries of OIG Semiannual Reports to Congress (66–68).

[44] FDIC. (December 1997). *History of the Eighties—Lessons for the Future, www.fdic.gov/bank/historical/history/contents.html.*

[45] The FDIC tested how well the assessment system in the final rule would have differentiated between banks that failed and those that did not during the recent crisis compared to an assessment system that used a loan mix index based upon simple averages of annual charge-off rates for each loan type. The FDIC used out-of-sample accuracy ratios to test how well each version of the system would have differentiated between banks that failed within the projection period and those that did not. The projection period in each case was the three years following the date of the projection; the dates of projection were the last day of the years 2006 through 2011. (An accuracy ratio compares how well a model would have discriminated between banks that failed within the projection period and banks that did not.) For the projections from the end of 2006 and 2007, accuracy ratios for the assessment system in the final rule were significantly better. For other years, the accuracy ratios were not materially different. (Accuracy ratios are discussed in more detail later.)

[46] The effect on assessment rates of an incremental increase in a loan category balance in the loan mix index varies depending on whether a small bank is paying the minimum or maximum rate applicable to the bank's CAMELS composite rating or is paying a rate between the minimum and maximum under the final rule. For example, a small bank that is paying the maximum assessment rate for a bank with its CAMELS composite rating will continue to pay the maximum rate even if it

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the loan mix index should not materially affect banks' lending decisions.

Several commenters on both the 2015 NPR and the 2016 revised NPR criticized the assumption that the future will follow the path of any single past period, noting that future bank failures may be characterized by different portfolio mixes than in the last recession.

As discussed above, the method adopted in the final rule is based upon a statistical analysis of the available data. Any empirical analysis necessarily relies upon past data. While there is no guarantee that the risks that led to past failures will necessarily be identical to those that lead to future failures, past experience still provides a sound basis for evaluating risk.

As also discussed above, each of the measures used in the final rule, including the loan mix index, is a statistically significant predictor of bank failure. Use of a loan portfolio measure is also consistent with numerous academic papers.[47]

Leverage Ratio

The FDIC received 4 comments on the 2016 revised NPR and 14 comments on the 2015 NPR asserting that the weight (or multiplier) assigned to the leverage ratio was too high compared to the current system and "would unfairly penalize banks that meet the 'well capitalized' standard but do not hold excess capital . . ." Commenters argued that there is no statistical evidence that well-managed banks with strong capital are significantly weakened by not holding more capital and further, excessive capital can be counterproductive. For banks that are well-capitalized and have a CAMELS composite rating of 1 or 2, two commenters suggested reducing the weight of the leverage ratio and capping the benefit at 8 percent.

The FDIC disagrees. The greater a bank's capital, the better the bank is able to withstand stress and avoid failure. Consequently, reducing the assessment rate for a bank that holds capital above the minimum level necessary to be considered well capitalized is appropriate. Further, as stated above, each of the measures in the established small bank assessment system is a statistically significant predictor of bank failure, and the multipliers used in the final rule for the leverage ratio and for all of the measures are derived from an empirical, statistical analysis. As also described above, because the final rule eliminates risk categories, applies the financial ratios method to all established small banks, and uses some new measures, the multipliers assigned to the financial measures, including the leverage ratio, are necessarily different from the multipliers in the current Risk Category I financial ratios method.

CAMELS Ratings

The FDIC received 17 comments on the 2015 NPR and 11 comments on the revised 2016 NPR (5 from commenters who had similar comments on the 2015 NPR) related to the role of CAMELS ratings in determining a bank's assessment rate. The commenters suggested that the FDIC should more heavily weight CAMELS supervisory ratings over other measures, including the loan mix index, the one-year asset growth ratio, and the brokered deposit ratio, because CAMELS ratings reflect more current, bank specific data and judgments by examiners who are familiar with each bank's business model and risks. Some commenters suggested using individual CAMELS component ratings in place of or to limit the effect of other measures. For example, as described above, some commenters suggested using the "A" CAMELS component in place of a loan mix index.

For several reasons, these comments have not led to changes in the final rule. First, compared to the current system, the value of the multiplier for the weighted average CAMELS component rating has increased. CAMELS ratings are among the useful predictors of a bank's probability of failure and, as under current rules, continue to be a significant determinant of assessment rates under the final rule. The final rule uses both a bank's financial measures and its weighted average CAMELS component rating to determine an assessment rate. Financial ratios can provide updated information on an institution's risk profile between bank examinations and allow greater differentiation in risk.[48] To take into account idiosyncratic and unquantifiable risks and risk mitigators that are reflected in CAMELS composite ratings, the final rule also establishes minimum and maximum assessment rates for established small banks based on these ratings. Thus, the final rule prevents the assessment system from assigning a rate that reflects either too little risk (for a bank with a CAMELS composite 3, 4, or 5 rating) or too much risk (for a bank with a CAMELS composite 1 or 2 rating).

Second, the variables selected and used in the underlying statistical model are consistent with other existing models of bank risk, including FDIC offsite monitoring models and academic literature. For example, FDIC offsite monitoring models measure bank conditions and monitor bank risk using variables that include: The ratio of charge-offs to total assets, asset growth, an index measuring changes in loan mix, and capital. Numerous academic papers discussing models that predict bank failures include explanatory variables that include loan portfolio ratios, rapid asset growth, the ratio of core deposits to total assets, and capital.[49] Rapid asset growth, reliance on brokered deposits, and significant concentrations in riskier assets have all been found to contribute to bank failure.[50]

Third, as stated above, each of the measures in the established small bank assessment system is a statistically significant predictor of bank failure, and the multipliers used in the final rule for weighted average CAMELS component ratings and for all of the financial measures are derived from an empirical, statistical analysis. Commenters did not cite or provide empirical evidence to support their suggestion that a greater weight be assigned to CAMELS supervisory ratings, or that a lower weight (or effectively no weight) be assigned to various financial measures.

As described above, because the final rule eliminates risk categories and applies the financial ratios method to all established small banks, and uses some

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increases its loan balances, so the marginal effect is zero. Similarly, most small banks that are paying the minimum assessment rate for banks with their CAMELS composite rating will continue to do so even with an incremental increase in any particular type of lending. For a small bank whose assessment rate is between the minimum and maximum rate, an incremental increase in a particular type of lending will, at most, result in only a small increase in a bank's assessment rate.

Since the effect of an incremental increase in a loan category balance on a bank's assessment rate will be small, the loan mix index is not likely to have a material effect on a bank's lending decisions.

[47] See 80 FR at 40858.

[48] For CAMELS 1- and 2-rated institutions, examinations generally occur on a 12- or 18-month cycle. 12 U.S.C.1820(d). Under interim final rules published on February 29, 2016, the Federal banking agencies increased the number of small banks eligible for an 18-month examination cycle rather than a 12-month cycle to reduce regulatory burden on small, well-capitalized and well-managed institutions and allow the agencies to better focus their supervisory resources on those institutions that present capital, managerial, or other issues of supervisory concern. Qualifying well-capitalized and well-managed banks with less than $1 billion in total assets are eligible for an 18-month examination cycle. See 81 FR 10063 (Feb. 29, 2016).

[49] See 80 FR at 40858.

[50] See FDIC Study on Core Deposits and Brokered Deposits (2011), Appendix A: Excerpts from Material Loss Reviews And Summaries of OIG Semiannual Reports to Congress, 66–68.

new measures, the multipliers assigned to the financial measures, including the weighted average CAMELS component rating, are necessarily different from the multipliers in the current Risk Category I financial ratios method.

In sum, the financial ratios method in the final rule, including the multipliers assigned to the financial measures and weighted average CAMELS component ratings, predicts failures significantly better than the current system.

Calculating the Initial Assessment Rate

As in the current methodology for Risk Category I small banks, under the final rule the weighted CAMELS components and financial ratios will be multiplied by statistically derived pricing multipliers, the products summed, and the sum added to a uniform amount that is: (a) Derived from the statistical analysis; (b) adjusted for assessment rates set by the FDIC; and (c) applied to all established small banks.[51] The total will equal the bank's initial assessment rate. If, however, the resulting rate is below the minimum initial assessment rate for established small banks, the bank's initial assessment rate will be the minimum initial assessment rate; if the rate is above the maximum, then the bank's initial assessment rate will be the maximum initial rate for established small banks. In addition, if the resulting rate for an established small bank is below the minimum or above the maximum initial assessment rate applicable to banks with the bank's CAMELS composite rating, the bank's initial assessment rate will be the respective minimum or maximum assessment rate for an established small bank with its CAMELS composite rating. This approach allows rates to vary incrementally across a wide range of rates for all established small banks. The conversion of the statistical model to pricing multipliers and the uniform amount is discussed further below and in detail in appendix E to the 2016 revised NPR.

Adjustments to Initial Base Assessment Rates

As discussed above, the final rule eliminates the existing brokered deposit adjustment for established small banks.[52] Under current rules, the brokered deposit adjustment applies to small banks only if they are in Risk Category II, III, and IV. The brokered deposit adjustment increases a bank's assessment when it holds significant amounts of brokered deposits. To avoid assessing banks twice for holding brokered deposits (because the brokered deposit ratio will apply to all established small banks), the final rule eliminates the brokered deposit adjustment for established small banks.

As under current rules, the DIDA continues to apply to all banks, and the unsecured debt adjustment continues to apply to all banks except new banks and insured branches.[53]

Assessment Rates

The final rule preserves the lower overall range of initial base assessment rates previously adopted by the Board. Under current regulations, once the reserve ratio reaches 1.15 percent, initial base assessment rates will decline automatically from the current range of 5 basis points to 35 basis points to a range of 3 basis points to 30 basis points, as reflected in Table 4. The FDIC adopted the range of initial assessment rates in this rate schedule pursuant to its long-term fund management plan as the FDIC's best estimate of the assessment rates that would have been needed from 1950 to 2010 to maintain a positive fund balance during the past two banking crises. This assessment rate schedule remains the FDIC's best estimate of the long-term rates needed. Consequently, and as discussed in greater detail further below and in appendix E to the 2016 revised NPR, the final rule converts the statistical model to assessment rates within this range of 3 basis points to 30 basis points in a revenue neutral way; that is, in a manner that does not materially change the aggregate assessment revenue collected from established small banks.

The final rule eliminates risk categories and adopts the range of initial assessment rates for established small banks set out in Table 7 below, thus maintaining the range of initial assessment rates that the Board has previously determined will go into effect starting the quarter after the reserve ratio reaches 1.15 percent.[54] These rates will remain in effect as long as the reserve ratio is less than 2 percent. Table 7 also includes the maximum assessment rates that apply to CAMELS composite 1- and 2-rated banks and the minimum assessment rates that apply to CAMELS composite 3-rated banks and CAMELS composite 4- and 5-rated banks.

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[51] Current rules provide that: (1) Under specified conditions, certain subsidiary small banks will be considered established rather than new, 12 CFR 327.8(k)(4); and (2) the time that a bank has spent as a federally insured credit union is included in determining whether a bank is established, 12 CFR 327.8(k)(5). If a Risk Category I small bank is considered established under these rules, but has no CAMELS component ratings, its initial assessment rate is 2 basis points above the minimum initial assessment rate applicable to Risk Category I (which is equivalent to 2 basis points above the minimum initial assessment rate for established small banks) until it receives CAMELS component ratings. Thereafter, the assessment rate is determined by annualizing, where appropriate, financial ratios obtained from all quarterly Call Reports that have been filed, until the bank files four quarterly Call Reports.

Under the final rule, for small banks that are considered established under these rules, but do not have a CAMELS composite rating or do not have CAMELS component ratings:

1. If the bank has no CAMELS composite rating, its initial assessment rate will be 2 basis points above the minimum initial assessment rate for established small banks until it receives a CAMELS composite rating; and

2. If the bank has a CAMELS composite rating but no CAMELS component ratings, its initial assessment rate will be determined using the financial ratios method by substituting its CAMELS composite rating for its weighted average CAMELS component rating and, if the bank has not yet filed four quarterly Call Reports, by annualizing, where appropriate, financial ratios obtained from all quarterly Call Reports that have been filed.

[52] As under rules currently in effect, the brokered deposit adjustment will continue to apply to all new small institutions in Risk Categories II, III, and IV, and all large and highly complex institutions, except large and highly complex institutions that are well capitalized and have a CAMELS composite rating of 1 or 2. As under rules currently in effect, the brokered deposit adjustment will not apply to insured branches.

[53] As under rules currently in effect, however, no adjustments apply to bridge banks or conservatorships. These banks will continue to be charged the minimum assessment rate applicable to small banks.

[54] See 12 CFR 327.10(b); 76 FR at 10718.

[55] The reserve ratio for the immediately prior assessment period must also be less than 2 percent.

TABLE 7—INITIAL AND TOTAL BASE ASSESSMENT RATES *

[In basis points per annum]

[After the reserve ratio reaches 1.15 percent] [55]

	Established small banks			Large & highly complex institutions **
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	3 to 16	6 to 30	16 to 30	3 to 30.
Unsecured Debt Adjustment ***	−5 to 0	−5 to 0	−5 to 0	−5 to 0.
Brokered Deposit Adjustment	N/A	N/A	N/A	0 to 10.
Total Base Assessment Rate	1.5 to 16	3 to 30	11 to 30	1.5 to 40.

* Total base assessment rates in the table do not include the DIDA.

** See 12 CFR 327.8(f) and (g) for the definition of large and highly complex institutions.

*** The unsecured debt adjustment cannot exceed the lesser of 5 basis points or 50 percent of an insured depository institution's initial base assessment rate; thus, for example, an insured depository institution with an initial base assessment rate of 3 basis points will have a maximum unsecured debt adjustment of 1.5 basis points and cannot have a total base assessment rate lower than 1.5 basis points.

The final rule adopts the range of initial assessment rates for established small banks set out in the rate schedule in Table 8 below, starting the quarter after the reserve ratio reaches or exceeds 2 percent, thus maintaining the range of initial assessment rates that the Board previously determined will go into effect then. These rates will remain in effect as long as the reserve ratio for the prior assessment period is at or above 2 percent but is less than 2.5 percent. Table 8 also includes the maximum assessment rates that apply to CAMELS composite 1- and 2-rated banks and the minimum assessment rates that apply to CAMELS composite 3-rated banks and CAMELS composite 4- and 5-rated banks.

TABLE 8—INITIAL AND TOTAL BASE ASSESSMENT RATES *

[In basis points per annum]

[If the reserve ratio for the prior assessment period is equal to or greater than 2 percent and less than 2.5 percent]

	Established small banks			Large & highly complex institutions **
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	2 to 14	5 to 28	14 to 28	2 to 28.
Unsecured Debt Adjustment ***	−5 to 0	−5 to 0	−5 to 0	−5 to 0.
Brokered Deposit Adjustment	N/A	N/A	N/A	0 to 10.
Total Base Assessment Rate	1 to 14	2.5 to 28	9 to 28	1 to 38.

* Total base assessment rates in the table do not include the DIDA.

** See 12 CFR 327.8(f) and (g) for the definition of large and highly complex institutions.

*** The unsecured debt adjustment cannot exceed the lesser of 5 basis points or 50 percent of an insured depository institution's initial base assessment rate; thus, for example, an insured depository institution with an initial base assessment rate of 2 basis points will have a maximum unsecured debt adjustment of 1 basis point and cannot have a total base assessment rate lower than 1 basis point.

The final rule also adopts the range of initial assessment rates for established small banks set out in the rate schedule in Table 9 below, thus again maintaining the range of initial assessment rates that the Board previously determined will go into effect when the fund reserve ratio at the end of the prior assessment period meets or exceeds 2.5 percent. These rates will remain in effect as long as the reserve ratio for the prior assessment period is at or above this level. Table 9 also includes the maximum assessment rates that apply to CAMELS composite 1- and 2-rated banks and the minimum assessment rates that apply to CAMELS composite 3-rated banks and CAMELS composite 4- and 5-rated banks.

TABLE 9—INITIAL AND TOTAL BASE ASSESSMENT RATES *

[In basis points per annum]

[If the reserve ratio for the prior assessment period is equal to or greater than 2.5 percent]

	Established small banks			Large & highly complex institutions **
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	1 to 13	4 to 25	13 to 25	1 to 25.
Unsecured Debt Adjustment ***	−5 to 0	−5 to 0	−5 to 0	−5 to 0.
Brokered Deposit Adjustment	N/A	N/A	N/A	0 to 10.
Total Base Assessment Rate	0.5 to 13	2 to 25	8 to 25	0.5 to 35.

* Total base assessment rates in the table do not include the DIDA.

** See 12 CFR 327.8(f) and (g) for the definition of large and highly complex institutions.

*** The unsecured debt adjustment cannot exceed the lesser of 5 basis points or 50 percent of an insured depository institution's initial base assessment rate; thus, for example, an insured depository institution with an initial base assessment rate of 1 basis point will have a maximum unsecured debt adjustment of 0.5 basis points and cannot have a total base assessment rate lower than 0.5 basis points.

With respect to each of the three assessment rate schedules (Tables 7, 8 and 9), the Board retains its authority to uniformly adjust assessment rates up or down from the total base assessment rate schedule without further rulemaking, as long as the adjustment does not exceed 2 basis points. Also, with respect to each of the three schedules, if a bank's CAMELS composite or component ratings change during a quarter in a way that changes the institution's initial base assessment rate, then its assessment rate will be determined separately for each portion of the quarter in which it had different CAMELS composite or component ratings.

Conversion of Statistical Model to Pricing Multipliers and Uniform Amount

As discussed above, the final rule converts the statistical model to the assessment rates set out in Table 7 in a revenue neutral manner.[56] Specifically, and as described in detail in appendix E to the 2016 revised NPR, the final rule converts the statistical model to assessment rates to ensure that aggregate assessments under the final rule for the assessment period ending December 31, 2015, would have been approximately the same as they would have been under the assessment rate schedule set forth in Table 4 (the rates that, under current rules, will automatically go into effect when the reserve ratio reaches 1.15 percent).[57]

Table 10 below sets out the pricing multipliers and uniform amounts that result when the FDIC converts the statistical model to the assessment rate schedule set out in Table 7 (with a range of assessment rates from 3 basis points to 30 basis points).

TABLE 10—PRICING MULTIPLIERS AND THE UNIFORM AMOUNT[58]

Model measures	Pricing multiplier
Weighted Average CAMELS Component Rating	1.519
Leverage Ratio	−1.264
Net Income Before Taxes/Total Assets	−0.720
Nonperforming Loans and Leases/Gross Assets	0.942
Other Real Estate Owned/Gross Assets	0.533
Brokered Deposit Ratio	0.264
One Year Asset Growth	0.061
Loan Mix Index	0.081
Uniform Amount	7.352

Updating the Statistical Model, Pricing Multipliers and Uniform Amount

As discussed above, the statistical analysis used bank financial data and CAMELS ratings from 1985 through 2011, failure data from 1986 through 2014, and loan charge-off data from 2001 through 2014.[59] The FDIC does not anticipate the need for frequent updates, since variables and coefficients in the underlying model are not likely to change much absent a significant number of failures. In any event, any changes to the small bank deposit insurance pricing model will go through notice-and-comment rulemaking. The FDIC received two comments on the 2016 revised NPR supporting the use of notice-and-comment rulemaking for any future changes to the small bank deposit insurance pricing model.

Insured Branches of Foreign Banks and New Small Banks

The final rule makes no changes to the current rules governing the assessment rate schedules applicable to insured branches or to the assessment rate schedule applicable to new small banks. The final rule also makes no changes to the way in which assessment rates for insured branches and new small banks are determined.

III. Expected Effects of the Final Rule

Effect on Assessment Rates

To illustrate the effects of the final rule on established small bank assessment rates, the FDIC compared actual assessment rates under the current system for established small banks for the fourth quarter of 2015, using a range of initial assessment rates of 5 basis points to 35 basis points, with the assessment rates in Table 7 of this final rule, which has an overall range of initial assessment rates of 3 basis points to 30 basis points; the assessment rates in Table 7 will take effect the quarter after the DIF reserve ratio reaches 1.15 percent. The proportion (and number) of established small banks paying the minimum initial assessment rate would have increased significantly, from 27 percent (1,632 small banks) to 58 percent under the final rule (3,552 small banks). The proportion (and number) of established small banks paying the maximum initial assessment rate would have decreased from 0.6 percent of established small banks (35 small banks) to 0.1 percent of established small banks under the final rule (6 small banks). Chart 1 below graphically compares the distribution of established small bank initial assessment rates under this illustration. The horizontal axis in the chart represents established small banks ranked by risk, from the least risky on the left to the most risky on the right. Because actual risk rankings under the current system differ from risk rankings under the final rule, a particular point on the horizontal axis is not likely to represent the same bank for the current system and the final rule. Thus, the chart does not show how an individual bank's assessment would change under the final rule; it simply compares the distribution of assessment rates under the current system to the distribution under the final rule.

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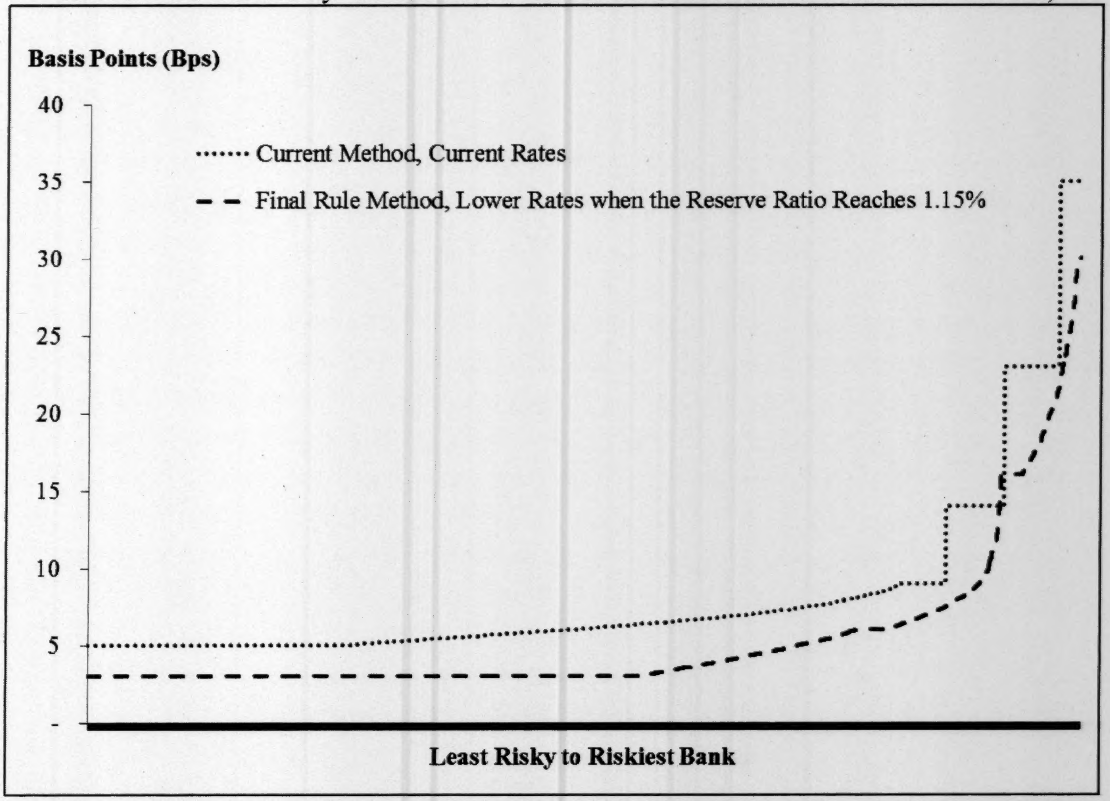
[56] The final rule converts a linear version of the model, which was estimated in a non-linear manner. (See appendix E to the 2016 revised NPR.) The conversion using a linear version of the model preserves the same rank ordering as the non-linear model, but using the linear version of the model allows initial assessment rates to be expressed as a linear function of the model variables. The FDIC also used a linear version of its original non-linear downgrade probability statistical model when it instituted variable rates within Risk Category 1 effective January 1, 2007. See 71 FR 69282 (Nov. 30, 2006).

[57] Initial assessment rates under the rate schedule actually in effect for the fourth quarter of 2015 ranged from 5 basis points to 35 basis points, since the DIF reserve ratio was under 1.15 percent.

[58] Table 10 assumes that the assessment rate schedule in Table 7 is in effect. The uniform amount and pricing multipliers differ for the assessment rates in Tables 8 and 9.

[59] Also as discussed above, for certain lagged variables, such as one-year asset growth rates, the statistical analysis also used bank financial data from 1984.

Chart 1 – Illustrative, Hypothetical Comparison of Distribution of Assessment Rates For Established Small Banks (Comparing Actual Fourth Quarter of 2015 Initial Assessment Rates for the Current System to Table 7 Initial Assessment Rates under the Final Rule)



Due in large part to the overall decline in rates once the reserve ratio reaches 1.15 percent reflected in Table 7, most established small banks (5,655 or 93 percent) would have had lower total assessment rates under the final rule.[60] Among Risk Category I established small banks, 93 percent would have had rate decreases; the average decrease for these banks would have been 2.6 basis points. Of the Risk Category II, III, and IV established small banks, 97 percent would have had rate decreases; the average decrease would have been 7.1 basis points. A total of 423 established small banks (7 percent of established small banks) would have had rate increases. Of the Risk Category I established small banks, 7 percent would have had rate increases; the average increase would have been 1.6 basis points. Of the Risk Category II, III, and IV established small banks, 3 percent would have had rate increases; the average increase would have been 3.0 basis points. The results of the comparison are similar to those that resulted from like comparisons in the 2015 NPR and 2016 revised NPR.

To further illustrate the effects of the final rule on small bank assessment rates, the FDIC compared hypothetical assessment rates under the final rule with the assessment rates established small banks would have been charged for the fourth quarter of 2015 if the assessment rate schedule in Table 4, which, under current rules, will go into effect when the reserve ratio reaches 1.15 percent, had been in effect. The proportion of established small banks paying the minimum initial assessment rate would also have increased from 27 percent to 58 percent under the final rule, and the proportion of established small banks paying the maximum initial assessment rate would also have decreased from 0.6 percent of established small banks to 0.1 percent of established small banks under the final rule. Chart 2 below graphically compares the distribution of established small bank initial assessment rates under this illustration.

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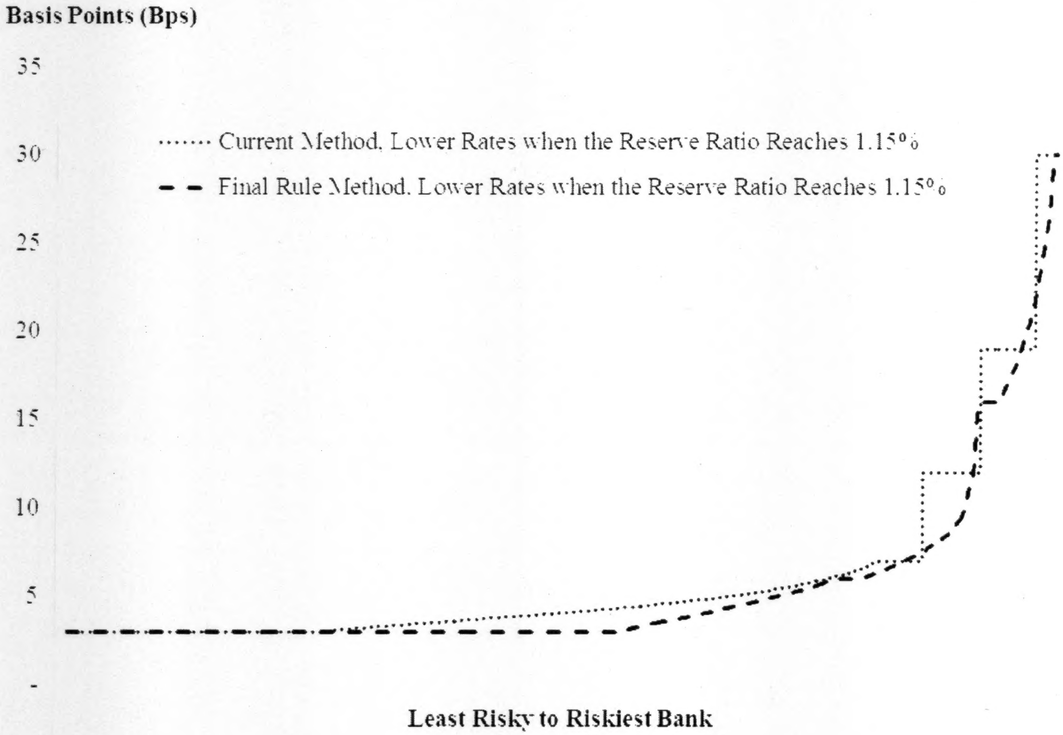
[60] As discussed above, a bank's total assessment rate may vary from the initial assessment rate as the result of possible adjustments. Under the current system, there are three possible adjustments: the unsecured debt adjustment, the DIDA, and the brokered deposit adjustment. Under the final rule, the brokered deposit adjustment is eliminated for established small banks, but the unsecured debt adjustment and the DIDA remain.

Chart 2 – Illustrative, Hypothetical Comparison of Distribution of Assessment Rates For Established Small Banks Based on the Fourth Quarter of 2015 (Comparing Table 4 Initial Assessment Rates under the Current System to Table 7 Initial Assessment Rates in the Final Rule)



Most established small banks (3,400 or 56 percent) would have had lower total assessment rates. Among Risk Category I established small banks, 52 percent would have had rate decreases; the average decrease for these banks would have been 1.3 basis points. Of the Risk Category II, III, and IV established small banks, 93 percent would have had rate decreases; the average decrease would have been 4.6 basis points. 1,235 established small banks (20 percent of established small banks) would have had rate increases. Of the Risk Category I established small banks, 22 percent would have had rate increases; the average increase would have been 1.8 basis points. Of the Risk Category II, III, and IV established small banks, 6 percent would have had rate increases; the average increase would have been 3.3 basis points. Again, the results of the comparison are similar to like comparisons in the 2015 NPR and the 2016 revised NPR.

Effect on Capital and Earnings

Summary

Using balance sheet and trailing twelve month income data as of the fourth quarter of 2015, the FDIC analyzed the effects of the final rule on capital and income in two ways: (1) The effect of the final rule under the rate schedule in Table 7 (with an initial assessment rate range of 3 basis points to 30 basis points (F330)) compared to the current small bank deposit insurance assessment system under the rate schedule in Table 3 (with an initial assessment rate range of 5 basis points to 35 basis points (C535)) (the first comparison); and (2) the effect of the final rule compared to the current small bank deposit insurance assessment system under the rate schedule in Table 4 (with an initial assessment rate range of 3 basis points to 30 basis points; under current rules, this rate schedule will go into effect the quarter after the DIF reserve ratio reaches 1.15 percent (C330)) (the second comparison).

Under either comparison, the final rule will cause no small bank to fall below a 4 percent or 2 percent leverage ratio if the bank would otherwise be above these thresholds. Under the first comparison, the final rule will cause no small bank to rise above a 2 percent leverage ratio if the bank would otherwise be below this threshold, but will cause one bank to rise above a 4 percent leverage ratio. Under the second comparison, the final rule will cause no small bank to rise above a 2 percent or 4 percent leverage ratio if the bank would otherwise be below these thresholds.

In the first comparison, only approximately 7 percent of profitable established small banks and approximately 5 percent of unprofitable small banks will face a rate increase. All but a very few (20) of these banks will have resulting declines in income (or increases in losses, where the bank is unprofitable) of 5 percent or less. As discussed above, assessment rates for approximately 93 percent of established small banks will decline, resulting in increases in income (or decreases in losses), some of which will be substantial. The effects on earnings of established small banks under the final rule in this comparison do not differ materially from the effects discussed in the 2015 NPR and 2016 NPR.

In the second comparison, approximately 21 percent of profitable established small banks and approximately 13 percent of unprofitable established small banks will face a rate increase. All but 76 of these banks will have resulting declines in income (or increases in losses, where the bank is unprofitable) of 5 percent or less. As discussed above, assessment rates for approximately 56 percent of established small banks will decline, resulting in increases in income (or decreases in losses), some of which will be substantial. The effects on earnings of established small banks under the final rule in this comparison do not differ materially from the effects discussed in the 2015 NPR and 2016 revised NPR.

In sum, because the final rule is intended to generate the same total revenue from small banks as would have been generated absent the final rule, the final rule should, overall, have no material effect on the capital and earnings of the banking industry, although the final rule will affect the earnings and capital of individual institutions.

Detailed Analysis

Assumptions and Data

The analysis assumes that annual pre-tax income for each established small bank is equal to trailing twelve month income as of the fourth quarter of 2015. The analysis also assumes that the effects of changes in assessments are not transferred to customers in the form of changes in borrowing rates, deposit rates, or service fees. Since deposit insurance assessments are a tax-deductible operating expense, increases in the assessment expense can lower taxable income and decreases in the assessment expense can increase taxable income. Therefore, the analysis considers the effective after-tax cost of assessments in calculating the effect on capital.

The effect of the change in assessments on an established small bank's income is measured by the change in deposit insurance assessments as a percent of income before assessments, taxes, and extraordinary items and other adjustments (hereafter referred to as "income").[61] This income measure is used to eliminate the potentially transitory effects of extraordinary items and taxes on profitability. To facilitate a comparison of the effect of assessment changes, established small banks were assigned to one of two groups: Those that were profitable and those that were unprofitable for the twelve months ending December 31, 2015. For this analysis, data as of December 31, 2015, are used to calculate each bank's assessment base and risk-based assessment rate. The base and rate are assumed to remain constant throughout the one-year projection period. An established small bank's earnings retention and dividend policies also influence the extent to which assessments affect equity levels. If an established small bank maintains the same *dollar* amount of dividends when it pays a higher deposit insurance assessment under the proposed rule, equity (retained earnings) will be less by the full amount of the after-tax cost of the increase in the assessment. This analysis instead assumes that an established small bank will maintain its dividend *rate* (that is, dividends as a fraction of net income) unchanged from the weighted average rate reported over the four quarters ending December 31, 2015.

Projected Effects on Capital and Earnings Assuming a Change in the Initial Assessment Rate Range From 5 Basis Points to 35 Basis Points to 3 Basis Points to 30 Basis Points (Assessment Change F330–C535)

Under this scenario, the FDIC projects that no established small bank facing an increase in assessments will, as a result of the assessment increase, fall below a 4 percent or 2 percent leverage ratio. No established small bank facing a decrease in assessments will, as a result of the decrease, have its leverage ratio rise above a 2 percent leverage ratio, but one bank will rise above a 4 percent leverage ratio.

The FDIC projects that approximately 85 percent of established small banks that were profitable during the 12 months ending December 31, 2015, will have a decrease in assessments in an amount between 0 and 10 percent of income. Table 11 shows that another 8 percent of profitable established small banks will have a reduction in assessments exceeding 10 percent of their income. A total of 407 profitable established small banks will have an increase in assessments, with all but 10 of them facing assessment increases between 0 and 10 percent of their income.

TABLE 11—EFFECT OF THE FINAL RULE ON INCOME FOR PROFITABLE ESTABLISHED SMALL BANKS

[F330 compared to C535]

Change in assessments relative to income	Institutions		Assets	
	Number	Percent of total profitable established small banks	Assets ($ billions)	Percent of total assets of profitable established small banks
Decrease over 40%	88	2	18	1
Decrease 20% to 40%	96	2	18	1
Decrease 10% to 20%	283	5	66	2
Decrease 5% to 10%	572	10	154	5

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[61] As discussed earlier, at present, the Call Report combines extraordinary items with two other adjustments: (1) The results of discontinued operations; and (2) the cumulative effect of changes in accounting principles not reported elsewhere in the Call Report. As discussed in a previous footnote, however, in January 2015, the concept of extraordinary items was eliminated from GAAP for fiscal years and interim periods within those fiscal years beginning after December 15, 2015, and extraordinary items will no longer be reported as such in the Call Report. In addition, the cumulative effect of changes in accounting principles will no longer be reported as an adjustment. The results of discontinued operations, however, will continue to be reported as an adjustment. Because the three adjustments cannot be disaggregate in Call Report data, income in the analysis is measured before all three adjustments, even though only one adjustment will apply in the future. In any event, extraordinary items and the cumulative effect of changes in accounting principles are rarely reported and should have little effect on the analysis.

TABLE 11—EFFECT OF THE FINAL RULE ON INCOME FOR PROFITABLE ESTABLISHED SMALL BANKS—Continued

[F330 compared to C535]

Change in assessments relative to income	Institutions		Assets	
	Number	Percent of total profitable established small banks	Assets ($ billions)	Percent of total assets of profitable established small banks
Decrease 0% to 5%	4,335	75	2,328	78
No Change	1	0	0	0
Increase 0% to 5%	388	7	375	13
Increase 5% to 10%	9	0	6	0
Increase 10% to 20%	6	0	3	0
Increase 20% to 40%	2	0	6	0
Increase over 40%	2	0	0	0
All*	5,782	100	2,975	100

* Figures may not add to totals and some percentages may appear incorrect due to rounding.

Table 12 provides the same analysis for established small banks that were unprofitable during the 12 months ending December 31, 2015. Table 12 shows that 46 percent of unprofitable established small banks will have a decrease in assessments in an amount between 0 and 10 percent of their losses. Another 48 percent will have lower assessments in amounts exceeding 10 percent income. Only 16 unprofitable banks will have assessment increases, all of them in amounts between 0 and 10 percent of losses.

TABLE 12—EFFECT OF THE FINAL RULE ON INCOME FOR UNPROFITABLE ESTABLISHED SMALL BANKS

[F330 compared to C535]

Change in assessments relative to income	Institutions		Assets	
	Number	Percent of total unprofitable established small banks	Assets ($ billions)	Percent of total assets of unprofitable established small banks
Decrease over 40%	47	16	7	11
Decrease 20% to 40%	37	13	12	20
Decrease 10% to 20%	57	19	9	14
Decrease 5% to 10%	49	17	11	18
Decrease 0% to 5%	87	30	20	32
No Change	1	0	0	0
Increase 0% to 5%	15	5	3	5
Increase 5% to 10%	1	0	0	0
Increase 10% to 20%	0	0	0	0
Increase 20% to 40%	0	0	0	0
Increase over 40%	0	0	0	0
All*	294	100	62	100

* Figures may not add to totals and some percentages may appear incorrect due to rounding.

Projected Effects on Capital and Earnings Assuming Same Initial Assessment Rate Range (F330–C330)

Under this scenario, the FDIC projects that no established small bank facing an increase in assessments will, as a result of the assessment increase, fall below a 4 percent or 2 percent leverage ratio. No established small bank facing a decrease in assessments will, as a result of the assessment decrease, have its leverage ratio rise above the 4 percent or 2 percent threshold.

Table 13 shows that 51 percent of established small banks that were profitable during the 12 months ended December 31, 2015, will have a decrease in assessments in an amount between 0 and 10 percent of income. Another 4 percent of profitable established small banks will have a reduction in assessments exceeding 10 percent of their income. A total of 1,208 profitable established small banks will have an increase in assessments, with all but 23 facing assessment increases between 0 and10 percent of their income.

TABLE 13—EFFECT OF THE FINAL RULE ON INCOME FOR PROFITABLE ESTABLISHED SMALL BANKS

[F330 compared to C330]

Change in assessments relative to income	Institutions		Assets	
	Number	Percent of total profitable established small banks	Assets ($ billions)	Percent of total assets of profitable established small banks
Decrease over 40%	43	1	7	0
Decrease 20% to 40%	50	1	11	0
Decrease 10% to 20%	121	2	22	1
Decrease 5% to 10%	282	5	79	3
Decrease 0% to 5%	2,655	46	1,160	39
No Change	1,423	25	591	20
Increase 0% to 5%	1,139	20	1,057	36
Increase 5% to 10%	46	1	34	1
Increase 10% to 20%	12	0	7	0
Increase 20% to 40%	7	0	7	0
Increase over 40%	4	0	1	0
All*	5,782	100	2,975	100

* Figures may not add to totals and some percentages may appear incorrect due to rounding.

Table 14 provides the same analysis for established small banks that were unprofitable during the 12 months ending December 31, 2015. Table 14 shows that 54 percent of unprofitable established small banks will have a decrease in assessments in an amount between 0 and 10 percent of their losses. Another 30 percent will have lower assessments in amounts exceeding 10 percent of their losses. Only 39 unprofitable banks will face assessment increases, all but 3 of them in amounts between 0 and 10 percent of losses.

TABLE 14—EFFECT OF THE FINAL RULE ON INCOME FOR UNPROFITABLE ESTABLISHED SMALL BANKS

[F330 compared to C330]

Change in assessments relative to losses	Institutions		Assets	
	Number	Percent of total unprofitable established small banks	Assets ($ billions)	Percent of total assets of unprofitable established small banks
Decrease over 40%	28	10	5	7
Decrease 20% to 40%	23	8	2	4
Decrease 10% to 20%	38	13	14	22
Decrease 5% to 10%	54	18	7	11
Decrease 0% to 5%	105	36	26	41
No Change	7	2	1	2
Increase 0% to 5%	32	11	6	9
Increase 5% to 10%	4	1	1	2
Increase 10% to 20%	2	1	0	1
Increase 20% to 40%	1	0	0	0
Increase over 40%	0	0	0	0
All*	294	100	62	100

* Figures may not add to totals and some percentages may appear incorrect due to rounding.

IV. Backtesting

To evaluate the final rule, the FDIC tested how well the assessment system in the final rule would have differentiated between banks that failed and those that did not during the recent crisis compared to the current small bank deposit insurance assessment system.

Table 15 compares accuracy ratios for the assessment system in the final rule and the current system. An accuracy ratio compares how well each approach would have discriminated between banks that failed within the projection period and those that did not. The projection period in each case is the three years following the date of the projection (the first column), which is the last day of the year given. Thus, for example, the accuracy ratios for 2006 reflect how well each approach would have discriminated in its projection between banks that failed and those that did not from 2007 through 2009.[62] A "perfect" projection would receive an accuracy ratio of 1; a random projection would receive an accuracy ratio of 0.[63]

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[62] The current small bank deposit insurance assessment system did not exist at the end of 2006 and existed in somewhat different forms in years before 2011. The comparison assumes that the small bank deposit insurance assessment system in its current form existed in each year of the comparison.

[63] A "perfect" projection is defined as one where the projection rates every bank that fails over the projection period as more risky than every bank that does not fail. A random projection is one where the

TABLE 15—ACCURACY RATIO COMPARISON BETWEEN THE FINAL RULE AND THE CURRENT SMALL BANK DEPOSIT INSURANCE ASSESSMENT SYSTEM

Year of projection	(A) Accuracy ratio for the final rule *	(B) Accuracy ratio for the current small bank assessment system	(A – B) Accuracy ratio for the final rule—accuracy ratio for the current system
2006	0.7000	0.3491	0.3509
2007	0.7756	0.5616	0.2141
2008	0.9003	0.7825	0.1178
2009	0.9354	0.9015	0.0339
2010	0.9659	0.9394	0.0265
2011	0.9543	0.9323	0.0219

* The accuracy ratio for the final rule is based on the conversion of the statistical model as estimated based on bank data through 2011 and failure data through 2014.

The table contains results that do not differ materially from the comparisons of the assessment system proposed in the 2015 NPR and 2016 revised NPR with the current small bank deposit insurance assessment system. In each comparison, the table reveals that, while the current system did relatively well at capturing risk and predicting failures in more recent years, the system under the final rule would have not only done significantly better immediately before the recent crisis and at the beginning of the crisis, but also better overall.[64] In the early part of the crisis, when CAMELS ratings had not fully reflected the worsening condition of many banks, the system under the final rule would have recognized risk far better than the current system, primarily because the rates under the final rule are not constrained by risk categories. As the crisis progressed and CAMELS ratings more fully reflected crisis conditions, the superiority of the system under the final rule decreased, but it still performed better than the current system.

Appendix 1 to the Supplementary Information sections of the 2015 NPR and 2016 revised NPR contains a more detailed description of the FDIC's backtests of the revised system.

V. Alternatives Considered

In the 2015 NPR and 2016 revised NPR, the FDIC solicited comments on the following alternatives: Different minimum and maximum assessment rates based on CAMELS composite ratings, including higher, lower, or no minimum or maximum initial assessment rates for banks with certain CAMELS ratings; the inclusion of loss given default (LGD) in the statistical model; and no changes to the small bank deposit insurance assessment system.

The FDIC received 6 comments in response to the 2015 NPR and 1 comment in response to the 2016 revised NPR related to minimum and maximum initial assessment rates. Specifically, commenters asserted that the proposed minimum and maximum assessment rates were inappropriate. Instead of adjusting the minimum and maximum assessment rates based on CAMELS composite ratings, commenters suggested that CAMELS supervisory ratings should be given a greater weight in the assessment formula.

In the FDIC's view, the minimum and maximum assessment rates adopted in the final rule strike the proper balance between maintaining the accuracy of the assessment system in differentiating between banks that will fail and those that will not and reducing the risk that a particular bank's assessment rate might be too high or too low.

The FDIC also considered but rejected including LGD in the statistical model. The FDIC received one comment in response to the 2015 NPR supporting the incorporation of LGD into the assessments system once reliable data is available. As described in the 2015 NPR, actual losses for many failed banks during the recent crisis are still estimated, primarily because of the use of loss-sharing agreements that have not yet terminated.

The FDIC also considered leaving the small bank deposit insurance assessment system in place unchanged (and two commenters on the 2015 NPR supported this alternative). For the reasons given above, the assessment system in the final rule is superior to the current small bank deposit insurance system. Under the system in the final rule, fewer riskier established small banks will pay lower assessments and fewer safer banks will pay higher assessments than their conditions warrant.

VI. Effective Date

The final rule is effective July 1, 2016. If the reserve ratio reaches 1.15 percent before that date, the assessment system described in the final rule will become operative July 1, 2016. If the reserve ratio has not reached 1.15 percent by that date, the assessment system described in the final rule will become operative the first day of the calendar quarter after the reserve ratio reaches 1.15 percent.

VII. Regulatory Analysis and Procedure

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires that each federal agency, in connection with a notice of final

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projection does no better than chance; that is, any given percentage of banks with projected higher risk will include the same percentage of banks that fail over the projection period. Thus, for example, in a random projection, the 10 percent of banks that receive the highest risk projections will include 10 percent of the banks that fail over the projection period; the 20 percent of banks that receive the highest risk projections will include 20 percent of the banks that fail over the projection period, and so on.

[64] As implied in the footnote to Table 15, the accuracy ratios in the table for the system under the final rule are based on in-sample backtesting. In-sample backtesting compares model forecasts to actual outcomes where those outcomes are included in the data used in model development. Out-of-sample backtesting is the comparison of model predictions against outcomes where those outcomes are not used as part of the model development used to generate predictions. Out-of-sample backtesting, discussed in Appendix 1 of the Supplementary Information section of the 2015 NPR and 2016 revised NPR, also shows that, while the current assessment system for small banks did relatively well at predicting failures in more recent years, the revised system would have done significantly better immediately before the recent crisis and at the beginning of the crisis, but also better overall. See 80 FR at 40857 and 81 FR at 6124.

rulemaking, prepare a final regulatory flexibility analysis describing the impact of the rule on small entities or certify that the final rule will not have a significant economic impact on a substantial number of small entities.[65] Certain types of rules, such as rules of particular applicability relating to rates or corporate or financial structures, or practices relating to such rates or structures, are expressly excluded from the definition of "rule" for purposes of the RFA.[66] The final rule relates directly to the rates imposed on insured depository institutions for deposit insurance and to the deposit insurance assessment system that measures risk and determines each established small bank's assessment rate. Nonetheless, the FDIC is voluntarily undertaking a final regulatory flexibility analysis.

As of December 31, 2015, of the 6,191 FDIC-insured institutions,[67] there were 4,918 small insured depository institutions as that term is defined for purposes of the RFA (*i.e.*, those with $550 million or less in assets).[68]

For purposes of this analysis, whether the FDIC were to collect needed assessments under existing regulations or under the final rule, the total amount of assessments collected would be the same. The FDIC's total assessment needs are driven by the FDIC's aggregate projected and actual insurance losses, expenses, investment income, and insured deposit growth, among other factors, and assessment rates are set pursuant to the FDIC's long-term fund management plan. This analysis demonstrates how the pricing system in the final rule under the range of initial assessment rates of 3 basis points to 30 basis points (F330) could affect small entities relative to the current assessment rate schedule (C535) and relative to the rate schedule that under current regulations will be in effect when the reserve ratio exceeds 1.15 percent (C330).[69] Using data as of December 31, 2015, the FDIC calculated the total assessments that were collected under rate schedule C535, that would have been collected under rate schedule C330 and that will be collected under the final rule.

The economic impact of the final rule on each small institution for RFA purposes (*i.e.*, institutions with assets of $550 million or less) was then calculated as the difference in annual assessments under the final rule compared to existing regulations as a percentage of the institution's annual revenue and annual profits, assuming the same total assessments collected by the FDIC from the banking industry.[70]

Projected Effects on Small Entities Assuming No Change in Initial Assessment Rate Range (F330–C330)

Based on the December 31, 2015 data, of the total of 4,918 small institutions, no institution will experience an increase in assessments equal to five percent or more of its total revenue. These figures do not reflect a significant economic impact on revenues for a substantial number of small insured institutions. Table 16 below sets forth the results of the analysis in more detail.

TABLE 16—PERCENT CHANGE IN ASSESSMENTS RESULTING FROM THE FINAL RULE

[Assuming no change in the assessment rate range]

Change in assessments	Number of institutions	Percent of institutions
More than 5 percent lower	0	0
0 to 5 percent lower	2,899	59
No change	1,214	25
0 to 5 percent higher	805	16
More than 5 percent higher	0	0
Total	4,918	100

The FDIC performed a similar analysis to determine the impact on profits for small institutions. Based on December 31, 2015 data, of those small institutions with reported profits, 18 institutions will have an increase in assessments equal to 10 percent or more of their profits. Again, these figures do not reflect a significant economic impact on profits for a substantial number of small insured institutions. Table 17 sets forth the results of the analysis in more detail.

TABLE 17*—ASSESSMENT CHANGES RELATIVE TO PROFITS FOR PROFITABLE SMALL INSTITUTIONS UNDER THE FINAL RULE

[Assuming no change in the initial assessment rate range]

Change in assessments relative to profits	Number of institutions	Percent of institutions
Decrease in assessments equal to more than 40 percent of profits	42	1
Decrease in assessments equal to 20 to 40 percent of profits	49	1
Decrease in assessments equal to 10 to 20 percent of profits	113	2
Decrease in assessments equal to 5 to 10 percent of profits	253	5
Decrease in assessments up to 5 percent of profits	2,210	48
No change in assessments	1,207	26

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[65] See 5 U.S.C. 603, 604 and 605.

[66] 5 U.S.C. 601.

[67] As of December 31, 2015, there were 6,182 insured commercial banks and savings institutions and 9 insured U.S. branches of foreign banks.

[68] Throughout this RFA analysis (unlike the rest of this final rule), a "small institution" refers to an institution with assets of $550 million or less; a "small bank," however, continues to refer to a small insured depository institution for purposes of deposit insurance assessments (generally, a bank with less than $10 billion in assets). One insured branch of a foreign banking association and two insured institutions established within the last five years were excluded from the RFA analysis.

[69] The analysis is based on total assessment rates, rather than initial assessment rates.

[70] For purposes of the analysis, an institution's total revenue is defined as the sum of its interest income and noninterest income and an institution's profit is defined as income before taxes and extraordinary items.

TABLE 17*—ASSESSMENT CHANGES RELATIVE TO PROFITS FOR PROFITABLE SMALL INSTITUTIONS UNDER THE FINAL RULE—Continued

[Assuming no change in the initial assessment rate range]

Change in assessments relative to profits	Number of institutions	Percent of institutions
Increase in assessments up to 5 percent of profits	716	15
Increase in assessments equal to 5 to 10 percent of profits	34	1
Increase in assessments equal to 10 to 20 percent of profits	9	0
Increase in assessments equal to 20 to 40 percent of profits	5	0
Increase in assessments equal to more than 40 percent of profits	4	0
Total	4,642	** 100

* Institutions with negative or no profit were excluded. These institutions are shown in Table 14.

** Figures may not add to totals due to rounding.

Table 17 excludes small institutions that either show no profit or show a loss, because a percentage cannot be calculated. The FDIC analyzed the effect of the final rule on these institutions by determining the annual assessment change (either an increase or a decrease) that will result. Table 18 below shows that 18 (seven percent) of the 276 small insured institutions with negative or no reported profits will have an increase of $20,000 or more in their annual assessments. Again, these figures do not reflect a significant economic impact on profits for a substantial number of small insured institutions.

TABLE 18—CHANGE IN ASSESSMENTS FOR UNPROFITABLE SMALL INSTITUTIONS RESULTING FROM THE FINAL RULE

[Assuming no change in the initial assessment rate range]

Change in assessments	Number of institutions	Percent of institutions
$20,000 or more decrease	115	42
$10,000–$20,000 decrease	53	19
$5,000–$10,000 decrease	28	10
$1,000–$5,000 decrease	30	11
$0–$1,000 decrease	7	3
No change	7	3
$0–$1,000 increase	5	2
$1,000–$5,000 increase	3	1
$5,000–$10,000 increase	4	1
$10,000–$20,000 increase	6	2
$20,000 increase or more	18	7
Total	276	* 100

* Figures may not add to totals due to rounding.

Projected Effects on Small Entities Assuming Change in the Initial Assessment Rate Range From 5–35 Bps to 3–30 Bps (F330–C535)

Based on the December 31, 2015 data, of the total of 4,918 small institutions, no institution will experience an increase in assessments equal to five percent or more of its total revenue. These figures do not reflect a significant economic impact on revenues for a substantial number of small insured institutions. Table 19 below sets forth the results of the analysis in more detail.

TABLE 19—PERCENT CHANGE IN ASSESSMENTS RESULTING FROM THE FINAL RULE

[Assuming change in the initial assessment rate range from 5–35 bps to 3–30 bps]

Change in assessments	Number of institutions	Percent of institutions
More than 5 percent lower	0	0
0 to 5 percent lower	4,660	95
No change	2	0
0 to 5 percent higher	256	5
More than 5 percent higher	0	0
Total	4,918	100

The FDIC performed a similar analysis to determine the impact on profits for small institutions. Based on December 31, 2015 data, of those small institutions with reported profits, 7 institutions will have an increase in assessments equal to 10 percent or more of their profits. Again, these figures do not reflect a significant economic impact on profits for a substantial number of small insured institutions.

Table 20 sets forth the results of the analysis in more detail.

TABLE 20*—ASSESSMENT CHANGES RELATIVE TO PROFITS FOR PROFITABLE SMALL INSTITUTIONS UNDER THE FINAL RULE

[Assuming change in the initial assessment rate range from 5–35 Bps to 3–30 Bps]

Change in assessments relative to profits	Number of institutions	Percent of institutions
Decrease in assessments equal to more than 40 percent of profits	85	2
Decrease in assessments equal to 20 to 40 percent of profits	90	2
Decrease in assessments equal to 10 to 20 percent of profits	259	6
Decrease in assessments equal to 5 to 10 percent of profits	527	11
Decrease in assessments up to 5 percent of profits	3,440	74
No change in assessments	1	0
Increase in assessments up to 5 percent of profits	226	5
Increase in assessments equal to 5 to 10 percent of profits	7	0
Increase in assessments equal to 10 to 20 percent of profits	5	0
Increase in assessments equal to 20 to 40 percent of profits	0	0
Increase in assessments equal to more than 40 percent of profits	2	0
Total	4,642	** 100

* Institutions with negative or no profit were excluded. These institutions are shown in Table 17.
** Figures may not add to totals due to rounding.

Table 20 excludes small institutions that either show no profit or show a loss, because a percentage cannot be calculated. The FDIC analyzed the effect of the final rule on these institutions by determining the annual assessment change (either an increase or a decrease) that will result. Table 21 below shows that just 7 (3 percent) of the 276 small insured institutions with negative or no reported profits will have an increase of $20,000 or more in their annual assessments. Again, these figures do not reflect a significant economic impact on profits for a substantial number of small insured institutions.

TABLE 21—CHANGE IN ASSESSMENTS FOR UNPROFITABLE SMALL INSTITUTIONS RESULTING FROM THE FINAL RULE

[Assuming assessment change in the initial assessment rate range from 5–35 bps to 3–30 bps]

Change in assessments	Number of institutions	Percent of institutions
$20,000 or more decrease	181	66
$10,000–$20,000 decrease	44	16
$5,000–$10,000 decrease	28	10
$1,000–$5,000 decrease	5	2
$0–$1,000 decrease	2	1
No change	1	0
$0–$1,000 increase	0	0
$1,000–$5,000 increase	2	1
$5,000–$10,000 increase	5	2
$10,000–$20,000 increase	1	0
$20,000 increase or more	7	3
Total	276	* 100

* Figures may not add to totals due to rounding.

The final rule does not directly impose any "reporting" or "recordkeeping" requirements within the meaning of the Paperwork Reduction Act. The compliance requirements for the final rule will not exceed (and, in fact, will be the same as) existing compliance requirements for the current risk-based deposit insurance assessment system for small banks. The FDIC is unaware of any duplicative, overlapping or conflicting federal rules. The final RFA analysis set forth above demonstrates that the final rule will not have a significant economic impact on a substantial number of small institutions within the meaning of those terms as used in the RFA.[71]

B. Small Business Regulatory Enforcement Fairness Act

The Office of Management and Budget has determined that the final rule is not a "major rule" within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II, Pub. L. 104–121).

C. Riegle Community Development and Regulatory Improvement Act

The Riegle Community Development and Regulatory Improvement Act (RCDRIA) requires that the FDIC, in determining the effective date and administrative compliance requirements of new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations.[72] Subject to certain exceptions, new regulations and amendments to regulations prescribed by a Federal banking agency which impose additional reporting, disclosures, or other new requirements on insured depository institutions shall take effect on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form.[73]

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[71] 5 U.S.C. 605.

In accordance with these provisions and as discussed above, the FDIC considered any administrative burdens, as well as benefits, that the final rule would place on depository institutions and their customers in determining the effective date and administrative compliance requirements of the final rule. Thus, the final rule will be effective no earlier than the first day of a calendar quarter that begins after publication of the rule.

C. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act ("PRA") of 1995,[74] the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget ("OMB") control number.

The final rule does not create any new, or revise any existing, collections of information pursuant to PRA.

D. The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The FDIC has determined that the final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681).

E. Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Public Law 106–102, 113 Stat. 1338, 1471 (Nov. 12, 1999), requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The FDIC invited comments on how to make this proposal easier to understand. No comments addressing this issue were received.

List of Subjects in 12 CFR Part 327

Bank deposit insurance, Banks, Savings associations.

For the reasons set forth above, the FDIC amends part 327 as follows:

PART 327—ASSESSMENTS

■ 1. The authority for 12 CFR part 327 continues to read as follows:

Authority: 12 U.S.C. 1441, 1813, 1815, 1817–19, 1821.

§ 327.3 [Amended]

■ 2. Amend § 327.3, in paragraph (b)(1), by removing "§§ 327.4(a) and 327.9" and adding in its place "§ 327.4(a) and § 327.9 or § 327.16".

§ 327.4 [Amended]

■ 3. Amend § 327.4:

■ a. In paragraph (a), by removing "§ 327.9" and adding in its place "§ 327.9 or § 327.16".

■ b. In paragraph (c), by removing "§ 327.9(e)(3)" and adding in its place "§§ 327.9(e)(3) and 327.16(f)(3)".

■ c. In paragraph (c), by removing "§ 327.9(f)(5)" and adding in its place "§§ 327.9(f)(5) and 327.16(g)(5)".

■ 4. Amend § 327.8:

■ a. In paragraphs (e) and (f), by removing "§ 327.9(e)" and adding in its place "§§ 327.9(e) and 327.16(f)".

■ b. In paragraph (k)(1), by removing "§ 327.9(f)(3) and (4)" and adding in its place "§§ 327.9(f)(3) and (4) and 327.16 (g)(3) and (4)".

■ c. By revising paragraph (l).

■ d. In paragraphs (m), (n), (o), and (p), by removing "§ 327.9(d)(1)" and adding in its place "§§ 327.9(d)(1) and 327.16(e)(1)" and removing "§ 327.9(d)(2)" and adding in its place "§§ 327.9(d)(2) and 327.16(e)(2)."

■ e. By adding paragraphs (v) through (y).

The revision and additions read as follows:

§ 327.8 Definitions.

* * * * *

(l) *Risk assignment.* Under § 327.9, for all small institutions and insured branches of foreign banks, risk assignment includes assignment to Risk Category I, II, III, or IV and, within Risk Category I, assignment to an assessment rate. Under § 327.16, for all new small institutions and insured branches of foreign banks, risk assignment includes assignment to Risk Category I, II, III, or IV, and for insured branches of foreign banks within Risk Category I, assignment to an assessment rate or rates. For all established small institutions, and all large institutions and all highly complex institutions, risk assignment includes assignment to an assessment rate.

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(v) *Established small institution.* An established small institution is a "small institution" as defined under paragraph (e) of this section that meets the definition of "established depository institution" under paragraph (k) of this section.

(w) *New small institution.* A new small institution is a "small institution" as defined under paragraph (e) of this section that meets the definition of "new depository institution" under paragraph (j) of this section.

(x) *Deposit Insurance Fund and DIF.* The Deposit Insurance Fund as defined in 12 U.S.C. 1813(y)(1).

(y) *Reserve ratio of the DIF.* The reserve ratio as defined in 12 U.S.C. 1813(y)(3).

■ 5. Amend § 327.9 by adding introductory text to read as follows:

§ 327.9 Assessment pricing methods.

The following pricing methods shall apply through the later of June 30, 2016, or the subsequent calendar quarter in which the reserve ratio of the DIF reaches 1.15 percent.

* * * * *

■ 6. In § 327.10, revise paragraphs (b) through (f) to read as follows:

§ 327.10 Assessment rate schedules.

* * * * *

(b) Assessment rate schedules for established small institutions and large and highly complex institutions applicable in the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and in all subsequent assessment periods where the reserve ratio of the DIF as of the end of the prior assessment period is less than 2 percent.

(1) *Initial base assessment rate schedule for established small institutions and large and highly complex institutions.* In the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods where the reserve ratio as of the end of the prior assessment period is less than 2 percent, the initial base assessment rate for established small institutions and large and highly

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[72] 12 U.S.C. 4802(a).

[73] 12 U.S.C. 4802(b).

[74] 44 U.S.C. 3501 *et seq.*

complex institutions, except as provided in paragraph (f) of this section, shall be the rate prescribed in the following schedule:

INITIAL BASE ASSESSMENT RATE SCHEDULE BEGINNING THE FIRST ASSESSMENT PERIOD AFTER JUNE 30, 2016, WHERE THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD HAS REACHED 1.15 PERCENT, AND FOR ALL SUBSEQUENT ASSESSMENT PERIODS WHERE THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS LESS THAN 2 PERCENT [1]

	Established small institutions			Large & highly complex institutions
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	3 to 16	6 to 30	16 to 30	3 to 30.

[1] All amounts for all risk categories are in basis points annually. Initial base rates that are not the minimum or maximum rate will vary between these rates.

(i) *CAMELS composite 1- and 2-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 1 or 2 shall range from 3 to 16 basis points.

(ii) *CAMELS composite 3-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 3 shall range from 6 to 30 basis points.

(iii) *CAMELS composite 4- and 5-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 4 or 5 shall range from 16 to 30 basis points.

(iv) *Large and highly complex institutions initial base assessment rate schedule.* The annual initial base assessment rates for all large and highly complex institutions shall range from 3 to 30 basis points.

(2) *Total base assessment rate schedule after adjustments.* In the first assessment period after June 30, 2016, that the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods where the reserve ratio for the prior assessment period is less than 2 percent, the total base assessment rates after adjustments for established small institutions and large and highly complex institutions, except as provided in paragraph (f) of this section, shall be as prescribed in the following schedule:

TOTAL BASE ASSESSMENT RATE SCHEDULE (AFTER ADJUSTMENTS) [1] BEGINNING THE FIRST ASSESSMENT PERIOD AFTER JUNE 30, 2016, WHERE THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD HAS REACHED 1.15 PERCENT, AND FOR ALL SUBSEQUENT ASSESSMENT PERIODS WHERE THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS LESS THAN 2 PERCENT [2]

	Established small institutions			Large & highly complex institutions
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	3 to 16	6 to 30	16 to 30	3 to 30.
Unsecured Debt Adjustment	−5 to 0	−5 to 0	−5 to 0	−5 to 0.
Brokered Deposit Adjustment	N/A	N/A	N/A	0 to 10.
Total Base Assessment Rate	1.5 to 16	3 to 30	11 to 30	1.5 to 40.

[1] The depository institution debt adjustment, which is not included in the table, can increase total base assessment rates above the maximum assessment rates shown in the table.

[2] All amounts for all risk categories are in basis points annually. Total base rates that are not the minimum or maximum rate will vary between these rates.

(i) *CAMELS composite 1- and 2-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 1 or 2 shall range from 1.5 to 16 basis points.

(ii) *CAMELS composite 3-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 3 shall range from 3 to 30 basis points.

(iii) *CAMELS composite 4- and 5-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 4 or 5 shall range from 11 to 30 basis points.

(iv) *Large and highly complex institutions total base assessment rate schedule.* The annual total base assessment rates for all large and highly complex institutions shall range from 1.5 to 40 basis points.

(c) *Assessment rate schedules if the reserve ratio of the DIF as of the end of the prior assessment period is equal to or greater than 2 percent and less than 2.5 percent*—(1) *Initial base assessment rate schedule for established small institutions and large and highly complex institutions.* If the reserve ratio of the DIF as of the end of the prior assessment period is equal to or greater than 2 percent and less than 2.5 percent, the initial base assessment rate for established small institutions and large and highly complex institutions, except as provided in paragraph (f) of this section, shall be the rate prescribed in the following schedule:

INITIAL BASE ASSESSMENT RATE SCHEDULE IF THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS EQUAL TO OR GREATER THAN 2 PERCENT BUT LESS THAN 2.5 PERCENT[1]

	Established small institutions			Large & highly complex institutions
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	2 to 14	5 to 28	14 to 28	2 to 28.

[1] All amounts for all risk categories are in basis points annually. Initial base rates that are not the minimum or maximum rate will vary between these rates.

(i) *CAMELS composite 1- and 2-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 1 or 2 shall range from 2 to 14 basis points.

(ii) *CAMELS composite 3-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 3 shall range from 5 to 28 basis points.

(iii) *CAMELS composite 4- and 5-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 4 or 5 shall range from 14 to 28 basis points.

(iv) *Large and highly complex institutions initial base assessment rate schedule.* The annual initial base assessment rates for all large and highly complex institutions shall range from 2 to 28 basis points.

(2) *Total base assessment rate schedule after adjustments for established small institutions and large and highly complex institutions.* If the reserve ratio of the DIF as of the end of the prior assessment period is equal to or greater than 2 percent and less than 2.5 percent, the total base assessment rates after adjustments for established small institutions and large and highly complex institutions, except as provided in paragraph (f) of this section, shall be as prescribed in the following schedule:

TOTAL BASE ASSESSMENT RATE SCHEDULE (AFTER ADJUSTMENTS)[1] IF THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS EQUAL TO OR GREATER THAN 2 PERCENT BUT LESS THAN 2.5 PERCENT[2]

	Established small institutions			Large & highly complex institutions
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	2 to 14	5 to 28	14 to 28	2 to 28.
Unsecured Debt Adjustment	−5 to 0	−5 to 0	−5 to 0	−5 to 0.
Brokered Deposit Adjustment	N/A	N/A	N/A	0 to 10.
Total Base Assessment Rate	1 to 14	2.5 to 28	9 to 28	1 to 38.

[1] The depository institution debt adjustment, which is not included in the table, can increase total base assessment rates above the maximum assessment rates shown in the table.

[2] All amounts for all risk categories are in basis points annually. Total base rates that are not the minimum or maximum rate will vary between these rates.

(i) *CAMELS composite 1- and 2-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 1 or 2 shall range from 1 to 14 basis points.

(ii) *CAMELS composite 3-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 3 shall range from 2.5 to 28 basis points.

(iii) *CAMELS composite 4- and 5-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 4 or 5 shall range from 9 to 28 basis points.

(iv) *Large and highly complex institutions total base assessment rate schedule.* The annual total base assessment rates for all large and highly complex institutions shall range from 1 to 38 basis points.

(d) *Assessment rate schedules if the reserve ratio of the DIF as of the end of the prior assessment period is greater than 2.5 percent*—(1) *Initial base assessment rate schedule.* If the reserve ratio of the DIF as of the end of the prior assessment period is greater than 2.5 percent, the initial base assessment rate for established small institutions and large and highly complex institutions, except as provided in paragraph (f) of this section, shall be the rate prescribed in the following schedule:

Initial Base Assessment Rate Schedule if the Reserve Ratio as of the End of the Prior Assessment Period Is Greater Than or Equal to 2.5 Percent[1]

	Established small institutions			Large & highly complex institutions
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	1 to 13	4 to 25	13 to 25	1 to 25.

[1] All amounts for all risk categories are in basis points annually. Initial base rates that are not the minimum or maximum rate will vary between these rates.

(i) *CAMELS composite 1- and 2-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 1 or 2 shall range from 1 to 13 basis points.

(ii) *CAMELS composite 3-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 3 shall range from 4 to 25 basis points.

(iii) *CAMELS composite 4- and 5-rated established small institutions initial base assessment rate schedule.* The annual initial base assessment rates for all established small institutions with a CAMELS composite rating of 4 or 5 shall range from 13 to 25 basis points.

(iv) *Large and highly complex institutions initial base assessment rate schedule.* The annual initial base assessment rates for all large and highly complex institutions shall range from 1 to 25 basis points.

(2) *Total base assessment rate schedule after adjustments.* If the reserve ratio of the DIF as of the end of the prior assessment period is greater than 2.5 percent, the total base assessment rates after adjustments for established small institutions and large and highly complex institutions, except as provided in paragraph (f) of this section, shall be the rate prescribed in the following schedule:

Total Base Assessment Rate Schedule (After Adjustments)[1] If the Reserve Ratio as of the End of the Prior Assessment Period Is Greater Than or Equal to 2.5 Percent[2]

	Established small institutions			Large & highly complex institutions
	CAMELS composite			
	1 or 2	3	4 or 5	
Initial Base Assessment Rate	1 to 13	4 to 25	13 to 25	1 to 25.
Unsecured Debt Adjustment	−5 to 0	−5 to 0	−5 to 0	−5 to 0.
Brokered Deposit Adjustment	N/A	N/A	N/A	0 to 10.
Total Base Assessment Rate	0.5 to 13	2 to 25	8 to 25	0.5 to 35.

[1] The depository institution debt adjustment, which is not included in the table, can increase total base assessment rates above the maximum assessment rates shown in the table.

[2] All amounts for all risk categories are in basis points annually. Total base rates that are not the minimum or maximum rate will vary between these rates.

(i) *CAMELS composite 1- and 2-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 1 or 2 shall range from 0.5 to 13 basis points.

(ii) *CAMELS composite 3-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 3 shall range from 2 to 25 basis points.

(iii) *CAMELS composite 4- and 5-rated established small institutions total base assessment rate schedule.* The annual total base assessment rates for all established small institutions with a CAMELS composite rating of 4 or 5 shall range from 8 to 25 basis points.

(iv) *Large and highly complex institutions total base assessment rate schedule.* The annual total base assessment rates for all large and highly complex institutions shall range from 0.5 to 35 basis points.

(e) *Assessment rate schedules for new institutions and insured branches of foreign banks.* (1) New depository institutions, as defined in § 327.8(j), shall be subject to the assessment rate schedules as follows:

(i) *Prior to the reserve ratio of the DIF first reaching 1.15 percent on or after June 30, 2016.* Prior to the reserve ratio of the DIF reaching 1.15 percent for the first time on or after June 30, 2016, all new institutions shall be subject to the initial and total base assessment rate schedules provided for in paragraph (a) of this section.

(ii) *Assessment rate schedules for new large and highly complex institutions once the DIF reserve ratio first reaches 1.15 percent on or after June 30, 2016.* In the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods, even if the reserve ratio equals or exceeds 2 percent or 2.5 percent, new large and new highly complex institutions shall be subject to the initial and total base assessment rate schedules provided for in paragraph (b) of this section.

(iii) *Assessment rate schedules for new small institutions beginning the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods*—(A) *Initial base assessment rate schedule for new small institutions.* In the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods, the initial base assessment rate for a new small institution shall be the rate prescribed in the following schedule, even if the reserve ratio equals or exceeds 2 percent or 2.5 percent:

Initial Base Assessment Rate Schedule Beginning the First Assessment Period After June 30, 2016, Where the Reserve Ratio as of the End of the Prior Assessment Period Has Reached 1.15 Percent, and For All Subsequent Assessment Periods [1]

	Risk Category I	Risk Category II	Risk Category III	Risk Category IV
Initial Assessment Rate	7	12	19	30

[1] All amounts for all risk categories are in basis points annually.

(*1*) *Risk category I initial base assessment rate schedule.* The annual initial base assessment rates for all new small institutions in Risk Category I shall be 7 basis points.

(*2*) *Risk category II, III, and IV initial base assessment rate schedule.* The annual initial base assessment rates for all new small institutions in Risk Categories II, III, and IV shall be 12, 19, and 30 basis points, respectively.

(B) *Total base assessment rate schedule for new small institutions.* In the first assessment period after June 30, 2016, that the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods, the total base assessment rates after adjustments for a new small institution shall be the rate prescribed in the following schedule, even if the reserve ratio equals or exceeds 2 percent or 2.5 percent:

Total Base Assessment Rate Schedule (After Adjustments) [1] Beginning the First Assessment Period After June 30, 2016, Where the Reserve Ratio as of the End of the Prior Assessment Period Has Reached 1.15 Percent, and for All Subsequent Assessment Periods Where the Reserve Ratio as of the End of the Prior Assessment Period Is Less Than 2 Percent [2]

	Risk Category I	Risk Category II	Risk Category III	Risk Category IV
Initial Assessment Rate	7	12	19	30.
Brokered Deposit Adjustment (added)	N/A	0 to 10	0 to 10	0 to 10.
Total Assessment Rate	7	12 to 22	19 to 29	30 to 40.

[1] The depository institution debt adjustment, which is not included in the table, can increase total base assessment rates above the maximum assessment rates shown in the table.

[2] All amounts for all risk categories are in basis points annually. Total base rates that are not the minimum or maximum rate will vary between these rates.

(*1*) *Risk category I total assessment rate schedule.* The annual total base assessment rates for all new small institutions in Risk Category I shall be 7 basis points.

(*2*) *Risk category II total assessment rate schedule.* The annual total base assessment rates for all new small institutions in Risk Category II shall range from 12 to 22 basis points.

(*3*) *Risk category III total assessment rate schedule.* The annual total base assessment rates for all new small institutions in Risk Category III shall range from 19 to 29 basis points.

(*4*) *Risk category IV total assessment rate schedule.* The annual total base assessment rates for all new small institutions in Risk Category IV shall range from 30 to 40 basis points.

(2) *Insured branches of foreign banks*—(i) *Beginning the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods where the reserve ratio as of the end of the prior assessment period is less than 2 percent.* In the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods where the reserve ratio as of the end of the prior assessment period is less than 2 percent, the initial and total base assessment rates for an insured branch of a foreign bank, except as provided in paragraph (f) of this section, shall be the rate prescribed in the following schedule:

Initial and Total Base Assessment Rate Schedule [1] Beginning the First Assessment Period After June 30, 2016, Where the Reserve Ratio as of the End of the Prior Assessment Period Has Reached 1.15 Percent, and for All Subsequent Assessment Periods Where the Reserve Ratio as of the End of the Prior Assessment Period Is Less Than 2 Percent [2]

	Risk Category I	Risk Category II	Risk Category III	Risk Category IV
Initial and Total Assessment Rate	3 to 7	12	19	30

[1] The depository institution debt adjustment, which is not included in the table, can increase total base assessment rates above the maximum assessment rates shown in the table.

[2] All amounts for all risk categories are in basis points annually. Initial and total base rates that are not the minimum or maximum rate will vary between these rates.

(A) *Risk category I initial and total base assessment rate schedule.* The annual initial and total base assessment rates for an insured branch of a foreign bank in Risk Category I shall range from 3 to 7 basis points.

(B) *Risk category II, III, and IV initial and total base assessment rate schedule.* The annual initial and total base assessment rates for Risk Categories II, III, and IV shall be 12, 19, and 30 basis points, respectively.

(C) All insured branches of foreign banks in any one risk category, other than Risk Category I, will be charged the same initial base assessment rate, subject to adjustment as appropriate.

(ii) *Assessment rate schedule for insured branches of foreign banks if the reserve ratio of the DIF as of the end of the prior assessment period is equal to or greater than 2 percent and less than 2.5 percent.* If the reserve ratio of the DIF as of the end of the prior assessment period is equal to or greater than 2 percent and less than 2.5 percent, the initial and total base assessment rates for an insured branch of a foreign bank, except as provided in paragraph (f) of this section, shall be the rate prescribed in the following schedule:

INITIAL AND TOTAL BASE ASSESSMENT RATE SCHEDULE [1] IF THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS EQUAL TO OR GREATER THAN 2 PERCENT BUT LESS THAN 2.5 PERCENT [2]

	Risk Category I	Risk Category II	Risk Category III	Risk Category IV
Initial and Total Assessment Rate	2 to 6	10	17	28

[1] The depository institution debt adjustment, which is not included in the table, can increase total base assessment rates above the maximum assessment rates shown in the table.

[2] All amounts for all risk categories are in basis points annually. Initial and total base rates that are not the minimum or maximum rate will vary between these rates.

(A) *Risk category I initial and total base assessment rate schedule.* The annual initial and total base assessment rates for an insured branch of a foreign bank in Risk Category I shall range from 2 to 6 basis points.

(B) *Risk category II, III, and IV initial and total base assessment rate schedule.* The annual initial and total base assessment rates for Risk Categories II, III, and IV shall be 10, 17, and 28 basis points, respectively.

(C) All insured branches of foreign banks in any one risk category, other than Risk Category I, will be charged the same initial base assessment rate, subject to adjustment as appropriate.

(iii) *Assessment rate schedule for insured branches of foreign banks if the reserve ratio of the DIF as of the end of the prior assessment period is greater than 2.5 percent.* If the reserve ratio of the DIF as of the end of the prior assessment period is greater than 2.5 percent, the initial and total base assessment rate for an insured branch of foreign bank, except as provided in paragraph (f) of this section, shall be the rate prescribed in the following schedule:

INITIAL AND TOTAL BASE ASSESSMENT RATE SCHEDULE [1] IF THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS GREATER THAN OR EQUAL TO 2.5 PERCENT [2]

	Risk Category I	Risk Category II	Risk Category III	Risk Category IV
Initial Assessment Rate	1 to 5	9	15	25

[1] The depository institution debt adjustment, which is not included in the table, can increase total base assessment rates above the maximum assessment rates shown in the table.

[2] All amounts for all risk categories are in basis points annually. Initial and total base rates that are not the minimum or maximum rate will vary between these rates.

(A) *Risk category I initial and total base assessment rate schedule.* The annual initial and total base assessment rates for an insured branch of a foreign bank in Risk Category I shall range from 1 to 5 basis points.

(B) *Risk category II, III, and IV initial and total base assessment rate schedule.* The annual initial and total base assessment rates for Risk Categories II, III, and IV shall be 9, 15, and 25 basis points, respectively.

(C) All insured branches of foreign banks in any one risk category, other than Risk Category I, will be charged the same initial base assessment rate, subject to adjustment as appropriate.

(f) *Total base assessment rate schedule adjustments and procedures*—(1) *Board rate adjustments.* The Board may increase or decrease the total base assessment rate schedule in paragraphs (a) through (e) of this section up to a maximum increase of 2 basis points or a fraction thereof or a maximum decrease of 2 basis points or a fraction thereof (after aggregating increases and decreases), as the Board deems necessary. Any such adjustment shall apply uniformly to each rate in the total base assessment rate schedule. In no case may such rate adjustments result in a total base assessment rate that is mathematically less than zero or in a total base assessment rate schedule that, at any time, is more than 2 basis points above or below the total base assessment schedule for the Deposit Insurance Fund in effect pursuant to paragraph (b) of this section, nor may any one such adjustment constitute an increase or decrease of more than 2 basis points.

(2) *Amount of revenue.* In setting assessment rates, the Board shall take into consideration the following:

(i) Estimated operating expenses of the Deposit Insurance Fund;

(ii) Case resolution expenditures and income of the Deposit Insurance Fund;

(iii) The projected effects of assessments on the capital and earnings of the institutions paying assessments to the Deposit Insurance Fund;

(iv) The risk factors and other factors taken into account pursuant to 12 U.S.C. 1817(b)(1); and

(v) Any other factors the Board may deem appropriate.

(3) *Adjustment procedure.* Any adjustment adopted by the Board pursuant to this paragraph (f) will be adopted by rulemaking, except that the Corporation may set assessment rates as necessary to manage the reserve ratio, within set parameters not exceeding cumulatively 2 basis points, pursuant to paragraph (f)(1) of this section, without further rulemaking.

(4) *Announcement.* The Board shall announce the assessment schedules and the amount and basis for any adjustment thereto not later than 30 days before the quarterly certified statement invoice date specified in § 327.3(b) for the first assessment period for which the adjustment shall be effective. Once set, rates will remain in effect until changed by the Board.

■ 7. Add § 327.16 to read as follows:

§ 327.16 Assessment pricing methods—beginning the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent.

(a) *Established small institutions.* Beginning the first assessment period after June 30, 2016, where the reserve ratio of the DIF as of the end of the prior assessment period has reached or exceeded 1.15 percent, and for all subsequent assessment periods, an established small institution shall have its initial base assessment rate determined by using the financial ratios methods set forth in paragraph (a)(1) of this section.

(1) Under the financial ratios method, each of seven financial ratios and a weighted average of CAMELS component ratings will be multiplied by a corresponding pricing multiplier. The sum of these products will be added to a uniform amount. The resulting sum shall equal the institution's initial base assessment rate; provided, however, that no institution's initial base assessment rate shall be less than the minimum initial base assessment rate in effect for established small institutions with a particular CAMELS composite rating for that assessment period nor greater than the maximum initial base assessment rate in effect for established small institutions with a particular CAMELS composite rating for that assessment period. An institution's initial base assessment rate, subject to adjustment pursuant to paragraphs (e)(1) and (2) of this section, as appropriate (resulting in the institution's total base assessment rate, which in no case can be lower than 50 percent of the institution's initial base assessment rate), and adjusted for the actual assessment rates set by the Board under § 327.10(f), will equal an institution's assessment rate. The seven financial ratios are: Leverage Ratio (%); Net Income before Taxes/Total Assets (%); Nonperforming Loans and Leases/Gross Assets (%); Other Real Estate Owned/Gross Assets (%); Brokered Deposit Ratio (%); One Year Asset Growth (%); and Loan Mix Index. The ratios and the weighted average of CAMELS component ratings are defined in paragraph (a)(1)(ii) of this section. The ratios will be determined for an assessment period based upon information contained in an institution's report of condition filed as of the last day of the assessment period as set out in paragraph (a)(2) of this section. The weighted average of CAMELS component ratings is created by multiplying each component by the following percentages and adding the products: Capital adequacy—25%, Asset quality—20%, Management—25%, Earnings—10%, Liquidity—10%, and Sensitivity to market risk—10%. The following tables set forth the values of the pricing multipliers:

PRICING MULTIPLIERS APPLICABLE BEGINNING THE FIRST ASSESSMENT PERIOD AFTER JUNE 30, 2016, WHERE THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD HAS REACHED 1.15 PERCENT, AND FOR ALL SUBSEQUENT ASSESSMENT PERIODS WHERE THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS LESS THAN 2 PERCENT

Risk measures [1]	Pricing multipliers [2]
Leverage ratio	−1.264
Net Income before Taxes/ Total Assets	−0.720
Nonperforming Loans and Leases/Gross Assets	0.942
Other Real Estate Owned/ Gross Assets	0.533
Brokered Deposit Ratio	0.264
One Year Asset Growth	0.061
Loan Mix Index	0.081
Weighted Average CAMELS Component Rating	1.519

[1] Ratios are expressed as percentages.

[2] Multipliers are rounded to three decimal places.

PRICING MULTIPLIERS APPLICABLE WHEN THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS EQUAL TO OR GREATER THAN 2 PERCENT BUT LESS THAN 2.5 PERCENT

Risk measures [1]	Pricing multipliers [2]
Leverage Ratio	−1.217
Net Income before Taxes/ Total Assets	−0.694
Nonperforming Loans and Leases/Gross Assets	0.907
Other Real Estate Owned/ Gross Assets	0.513
Brokered Deposit Ratio	0.254
One Year Asset Growth	0.059
Loan Mix Index	0.078
Weighted Average CAMELS Component Rating	1.463

[1] Ratios are expressed as percentages.

[2] Multipliers are rounded to three decimal places.

PRICING MULTIPLIERS APPLICABLE WHEN THE RESERVE RATIO AS OF THE END OF THE PRIOR ASSESSMENT PERIOD IS GREATER THAN OR EQUAL TO 2.5 PERCENT

Risk measures [1]	Pricing multipliers [2]
Leverage Ratio	−1.123
Net Income before Taxes/ Total Assets	−0.640
Nonperforming Loans and Leases/Gross Assets	0.837
Other Real Estate Owned/ Gross Assets	0.474
Brokered Deposit Ratio	0.235
One Year Asset Growth	0.054
Loan Mix Index	0.072
Weighted Average CAMELS Component Rating	1.350

[1] Ratios are expressed as percentages.

[2] Multipliers are rounded to three decimal places.

(i) *Uniform amount.* Except as adjusted for the actual assessment rates set by the Board under § 327.10(f), the uniform amount shall be:

(A) 7.352 whenever the assessment rate schedule set forth in § 327.10(b) is in effect;

(B) 6.188 whenever the assessment rate schedule set forth in § 327.10(c) is in effect; or

(C) 4.870 whenever the assessment rate schedule set forth in § 327.10(d) is in effect.

(ii) *Definitions of measures used in the financial ratios method*—(A) *Definitions.* The following table lists and defines the measures used in the financial ratios method:

DEFINITIONS OF MEASURES USED IN THE FINANCIAL RATIOS METHOD

Variables	Description
Leverage Ratio (%)	Tier 1 capital divided by adjusted average assets. (Numerator and denominator are both based on the definition for prompt corrective action.)
Net Income before Taxes/Total Assets (%).	Income (before applicable income taxes and discontinued operations) for the most recent twelve months divided by total assets.[1]
Nonperforming Loans and Leases/Gross Assets (%).	Sum of total loans and lease financing receivables past due 90 or more days and still accruing interest and total nonaccrual loans and lease financing receivables (excluding, in both cases, the maximum amount recoverable from the U.S. Government, its agencies or government-sponsored enterprises, under guarantee or insurance provisions) divided by gross assets.[2]
Other Real Estate Owned/Gross Assets (%).	Other real estate owned divided by gross assets.[2]
Brokered Deposit Ratio	The ratio of the difference between brokered deposits and 10 percent of total assets to total assets. For institutions that are well capitalized and have a CAMELS composite rating of 1 or 2, reciprocal deposits are deducted from brokered deposits. If the ratio is less than zero, the value is set to zero.
Weighted Average of C, A, M, E, L, and S Component Ratings.	The weighted sum of the "C," "A," "M," "E", "L", and "S" CAMELS components, with weights of 25 percent each for the "C" and "M" components, 20 percent for the "A" component, and 10 percent each for the "E", "L", and "S" components.
Loan Mix Index	A measure of credit risk described paragraph (a)(1)(ii)(B) of this section.
One-Year Asset Growth (%)	Growth in assets (adjusted for mergers[3]) over the previous year in excess of 10 percent.[4] If growth is less than 10 percent, the value is set to zero.

[1] The ratio of Net Income before Taxes to Total Assets is bounded below by (and cannot be less than) −25 percent and is bounded above by (and cannot exceed) 3 percent.

[2] Gross assets are total assets plus the allowance for loan and lease financing receivable losses (ALLL).

[3] Growth in assets is also adjusted for acquisitions of failed banks.

[4] The maximum value of the Asset Growth measure is 230 percent; that is, asset growth (merger adjusted) over the previous year in excess of 240 percent (230 percentage points in excess of the 10 percent threshold) will not further increase a bank's assessment rate.

(B) *Definition of loan mix index.* The Loan Mix Index assigns loans in an institution's loan portfolio to the categories of loans described in the following table. The Loan Mix Index is calculated by multiplying the ratio of an institution's amount of loans in a particular loan category to its total assets by the associated weighted average charge-off rate for that loan category, and summing the products for all loan categories. The table gives the weighted average charge-off rate for each category of loan. The Loan Mix Index excludes credit card loans.

LOAN MIX INDEX CATEGORIES AND WEIGHTED CHARGE-OFF RATE PERCENTAGES

	Weighted charge-off rate percent
Construction & Development	4.4965840
Commercial & Industrial	1.5984506
Leases	1.4974551
Other Consumer	1.4559717
Loans to Foreign Government	1.33384093
Real Estate Loans Residual	1.0169338
Multifamily Residential	0.8847597
Nonfarm Nonresidential	.7289274
I–4 Family Residential	0.6973778
Loans to Depository banks	0.5760532
Agricultural Real Estate	0.2376712
Agriculture	0.2432737

(iii) *Implementation of CAMELS rating changes*—(A) *Composite rating change.* If, during an assessment period, a CAMELS composite rating change occurs in a way that changes the institution's initial base assessment rate, then the institution's initial base assessment rate for the portion of the assessment period prior to the change shall be determined using the assessment schedule for the appropriate CAMELS composite rating in effect before the change, including any minimum or maximum initial base assessment rates, and subject to adjustment pursuant to paragraphs (e)(1) and (2) of this section, as appropriate, and adjusted for actual assessment rates set by the Board under § 327.10(f). For the portion of the assessment period after the CAMELS composite rating change, the institution's initial base assessment rate shall be determined using the assessment schedule for the applicable CAMELS composite rating in effect, including any minimum or maximum initial base assessment rates, and subject to adjustment pursuant to paragraphs (e)(1) and (2) of this section, as appropriate, and adjusted for actual assessment rates set by the Board under § 327.10(f).

(B) *Component ratings changes.* If, during an assessment period, a CAMELS component rating change occurs in a way that changes the institution's initial base assessment rate, the initial base assessment rate for the period before the change shall be determined under the financial ratios method using the CAMELS component ratings in effect before the change, subject to adjustment under paragraphs (e)(1) and (2) of this section, as appropriate. Beginning on the date of the CAMELS component rating change, the initial base assessment rate for the remainder of the assessment period shall be determined under the financial ratios method using the CAMELS component ratings in effect after the change, again subject to adjustment under paragraphs (e)(1) and (2) of this section, as appropriate.

(iv) *No CAMELS composite rating or no CAMELS component ratings*—(A) *No CAMELS composite rating.* If, during an assessment period, an institution has no CAMELS composite rating, its initial assessment rate will be 2 basis points above the minimum initial assessment rate for established small institutions until it receives a CAMELS composite rating.

(B) *No CAMELS component ratings.* If, during an assessment period, an institution has a CAMELS composite rating but no CAMELS component ratings, the initial base assessment rate for that institution shall be determined under the financial ratios method using the CAMELS composite rating for its weighted average CAMELS component rating and, if the institution has not yet filed four quarterly reports of condition, by annualizing, where appropriate, financial ratios obtained from all quarterly reports of condition that have been filed.

(2) *Applicable quarterly reports of condition.* The financial ratios used to determine the assessment rate for an established small institution shall be based upon information contained in an

institution's Consolidated Reports of Condition and Income (or successor report, as appropriate) dated as of March 31 for the assessment period beginning the preceding January 1; dated as of June 30 for the assessment period beginning the preceding April 1; dated as of September 30 for the assessment period beginning the preceding July 1; and dated as of December 31 for the assessment period beginning the preceding October 1.

(b) *Large and highly complex institutions*—(1) *Assessment scorecard for large institutions (other than highly complex institutions).* (i) A large institution other than a highly complex institution shall have its initial base assessment rate determined using the scorecard for large institutions.

SCORECARD FOR LARGE INSTITUTIONS

	Scorecard measures and components	Measure weights (percent)	Component weights (percent)
P	Performance Score		
P.1	Weighted Average CAMELS Rating	100	30
P.2	Ability to Withstand Asset-Related Stress		50
	Leverage ratio	10	
	Concentration Measure	35	
	Core Earnings/Average Quarter-End Total Assets [1]	20	
	Credit Quality Measure	35	
P.3	Ability to Withstand Funding-Related Stress		20
	Core Deposits/Total Liabilities	60	
	Balance Sheet Liquidity Ratio	40	
L	Loss Severity Score		
L.1	Loss Severity Measure		100

[1] Average of five quarter-end total assets (most recent and four prior quarters).

(ii) The scorecard for large institutions produces two scores: Performance score and loss severity score.

(A) *Performance score for large institutions.* The performance score for large institutions is a weighted average of the scores for three measures: The weighted average CAMELS rating score, weighted at 30 percent; the ability to withstand asset-related stress score, weighted at 50 percent; and the ability to withstand funding-related stress score, weighted at 20 percent.

(*1*) *Weighted average CAMELS rating score.* (*i*) To compute the weighted average CAMELS rating score, a weighted average of an institution's CAMELS component ratings is calculated using the following weights:

CAMELS component	Weight (%)
C	25
A	20
M	25
E	10
L	10
S	10

(*ii*) A weighted average CAMELS rating converts to a score that ranges from 25 to 100. A weighted average rating of 1 equals a score of 25 and a weighted average of 3.5 or greater equals a score of 100. Weighted average CAMELS ratings between 1 and 3.5 are assigned a score between 25 and 100. The score increases at an increasing rate as the weighted average CAMELS rating increases. Appendix B of this subpart describes the conversion of a weighted average CAMELS rating to a score.

(*2*) *Ability to withstand asset-related stress score.* (*i*) The ability to withstand asset-related stress score is a weighted average of the scores for four measures: Leverage ratio; concentration measure; the ratio of core earnings to average quarter-end total assets; and the credit quality measure. Appendices A and C of this subpart define these measures.

(*ii*) The Leverage ratio and the ratio of core earnings to average quarter-end total assets are described in appendix A and the method of calculating the scores is described in appendix C of this subpart.

(*iii*) The score for the concentration measure is the greater of the higher-risk assets to Tier 1 capital and reserves score or the growth-adjusted portfolio concentrations score. Both ratios are described in appendix C of this subpart.

(*iv*) The score for the credit quality measure is the greater of the criticized and classified items to Tier 1 capital and reserves score or the underperforming assets to Tier 1 capital and reserves score.

(*v*) The following table shows the cutoff values and weights for the measures used to calculate the ability to withstand asset-related stress score. Appendix B of this subpart describes how each measure is converted to a score between 0 and 100 based upon the minimum and maximum cutoff values, where a score of 0 reflects the lowest risk and a score of 100 reflects the highest risk.

CUTOFF VALUES AND WEIGHTS FOR MEASURES TO CALCULATE ABILITY TO WITHSTAND ASSET-RELATED STRESS SCORE

Measures of the ability to withstand asset-related stress	Cutoff values		Weights (percent)
	Minimum (percent)	Maximum (percent)	
Leverage ratio	6	13	10
Concentration Measure			35
Higher-Risk Assets to Tier 1 Capital and Reserves; or	0	135	
Growth-Adjusted Portfolio Concentrations	4	56	
Core Earnings/Average Quarter-End Total Assets [1]	0	2	20
Credit Quality Measure			35

CUTOFF VALUES AND WEIGHTS FOR MEASURES TO CALCULATE ABILITY TO WITHSTAND ASSET-RELATED STRESS SCORE—Continued

Measures of the ability to withstand asset-related stress	Cutoff values		Weights (percent)
	Minimum (percent)	Maximum (percent)	
Criticized and Classified Items/Tier 1 Capital and Reserves; or	7	100	
Underperforming Assets/Tier 1 Capital and Reserves	2	35	

[1] Average of five quarter-end total assets (most recent and four prior quarters).

(*vi*) The score for each measure in the table in paragraph (b)(1)(ii)(A)(*2*)(*v*) of this section is multiplied by its respective weight and the resulting weighted score is summed to arrive at the score for an ability to withstand asset-related stress, which can range from 0 to 100, where a score of 0 reflects the lowest risk and a score of 100 reflects the highest risk.

(*3*) *Ability to withstand funding-related stress score.* Two measures are used to compute the ability to withstand funding-related stress score: A core deposits to total liabilities ratio, and a balance sheet liquidity ratio. Appendix A of this subpart describes these measures. Appendix B of this subpart describes how these measures are converted to a score between 0 and 100, where a score of 0 reflects the lowest risk and a score of 100 reflects the highest risk. The ability to withstand funding-related stress score is the weighted average of the scores for the two measures. In the following table, cutoff values and weights are used to derive an institution's ability to withstand funding-related stress score:

CUTOFF VALUES AND WEIGHTS TO CALCULATE ABILITY TO WITHSTAND FUNDING-RELATED STRESS SCORE

Measures of the ability to withstand funding-related stress	Cutoff values		Weights (percent)
	Minimum (percent)	Maximum (percent)	
Core Deposits/Total Liabilities	5	87	60
Balance Sheet Liquidity Ratio	7	243	40

(*4*) *Calculation of performance score.* In paragraph (b)(1)(ii)(A)(*3*) of this section, the scores for the weighted average CAMELS rating, the ability to withstand asset-related stress, and the ability to withstand funding-related stress are multiplied by their respective weights (30 percent, 50 percent and 20 percent, respectively) and the results are summed to arrive at the performance score. The performance score cannot be less than 0 or more than 100, where a score of 0 reflects the lowest risk and a score of 100 reflects the highest risk.

(B) *Loss severity score.* The loss severity score is based on a loss severity measure that is described in appendix D of this subpart. Appendix B of this subpart also describes how the loss severity measure is converted to a score between 0 and 100. The loss severity score cannot be less than 0 or more than 100, where a score of 0 reflects the lowest risk and a score of 100 reflects the highest risk. Cutoff values for the loss severity measure are:

CUTOFF VALUES TO CALCULATE LOSS SEVERITY SCORE

Measure of loss severity	Cutoff values	
	Minimum (percent)	Maximum (percent)
Loss Severity	0	28

(C) *Total score.* (*1*) The performance and loss severity scores are combined to produce a total score. The loss severity score is converted into a loss severity factor that ranges from 0.8 (score of 5 or lower) to 1.2 (score of 85 or higher). Scores at or below the minimum cutoff of 5 receive a loss severity factor of 0.8, and scores at or above the maximum cutoff of 85 receive a loss severity factor of 1.2. The following linear interpolation converts loss severity scores between the cutoffs into a loss severity factor:

$$\text{(Loss Severity Factor} = 0.8 + [0.005 * (\text{Loss Severity Score} - 5)]$$

(*2*) The performance score is multiplied by the loss severity factor to produce a total score (total score = performance score * loss severity factor). The total score can be up to 20 percent higher or lower than the performance score but cannot be less than 30 or more than 90. The total score is subject to adjustment, up or down, by a maximum of 15 points, as set forth in paragraph (b)(3) of this section. The resulting total score after adjustment cannot be less than 30 or more than 90.

(D) *Initial base assessment rate.* A large institution with a total score of 30 pays the minimum initial base assessment rate and an institution with a total score of 90 pays the maximum initial base assessment rate. For total scores between 30 and 90, initial base assessment rates rise at an increasing rate as the total score increases, calculated according to the following formula:

$$Rate = Minimum\ Rate + \left[\left(\left(1.4245 \times \left(\frac{Score}{100}\right)^{3}\right) - 0.0385\right) \times (Maximum\ Rate - Minimum\ Rate)\right]$$

Where:

Rate is the initial base assessment rate (expressed in basis points);

Maximum Rate is the maximum initial base assessment rate then in effect (expressed in basis points); and

Minimum Rate is the minimum initial base assessment rate then in effect (expressed in basis points). Initial base assessment rates are subject to adjustment pursuant to paragraphs (b)(3) and (e)(1) and (2) of this section; large institutions that are not well capitalized or have a CAMELS composite rating of 3, 4 or 5 shall be subject to the adjustment at paragraph (e)(3) of this section; these adjustments shall result in the institution's total base assessment rate, which in no case can be lower than 50 percent of the institution's initial base assessment rate.

(2) *Assessment scorecard for highly complex institutions.* (i) A highly complex institution shall have its initial base assessment rate determined using the scorecard for highly complex institutions.

SCORECARD FOR HIGHLY COMPLEX INSTITUTIONS

	Measures and components	Measure weights (percent)	Component weights (percent)
P	Performance Score		
P.1	Weighted Average CAMELS Rating	100	30
P.2	Ability To Withstand Asset-Related Stress		50
	Leverage ratio	10	
	Concentration Measure	35	
	Core Earnings/Average Quarter-End Total Assets	20	
	Credit Quality Measure and Market Risk Measure	35	
P.3	Ability To Withstand Funding-Related Stress		20
	Core Deposits/Total Liabilities	50	
	Balance Sheet Liquidity Ratio	30	
	Average Short-Term Funding/Average Total Assets	20	
L	Loss Severity Score		
L.1	Loss Severity		100

(ii) The scorecard for highly complex institutions produces two scores: Performance and loss severity.

(A) Performance score for highly complex institutions. The performance score for highly complex institutions is the weighted average of the scores for three components: Weighted average CAMELS rating, weighted at 30 percent; ability to withstand asset-related stress score, weighted at 50 percent; and ability to withstand funding-related stress score, weighted at 20 percent.

(*1*) *Weighted average CAMELS rating score.* (*i*) To compute the score for the weighted average CAMELS rating, a weighted average of an institution's CAMELS component ratings is calculated using the following weights:

CAMELS component	Weight (%)
C	25
A	20
M	25
E	10
L	10
S	10

(*ii*) A weighted average CAMELS rating converts to a score that ranges from 25 to 100. A weighted average rating of 1 equals a score of 25 and a weighted average of 3.5 or greater equals a score of 100. Weighted average CAMELS ratings between 1 and 3.5 are assigned a score between 25 and 100. The score increases at an increasing rate as the weighted average CAMELS rating increases. Appendix B of this subpart describes the conversion of a weighted average CAMELS rating to a score.

(*2*) *Ability to withstand asset-related stress score.* (*i*) The ability to withstand asset-related stress score is a weighted average of the scores for four measures: Leverage ratio; concentration measure; ratio of core earnings to average quarter-end total assets; credit quality measure and market risk measure. Appendix A of this subpart describes these measures.

(*ii*) The Leverage ratio and the ratio of core earnings to average quarter-end total assets are described in appendix A of this subpart and the method of calculating the scores is described in appendix B of this subpart.

(*iii*) The score for the concentration measure for highly complex institutions is the greatest of the higher-risk assets to the sum of Tier 1 capital and reserves score, the top 20 counterparty exposure to the sum of Tier 1 capital and reserves score, or the largest counterparty exposure to the sum of Tier 1 capital and reserves score. Each ratio is described in appendix A of this subpart. The method used to convert the concentration measure into a score is described in appendix C of this subpart.

(*iv*) The credit quality score is the greater of the criticized and classified items to Tier 1 capital and reserves score or the underperforming assets to Tier 1 capital and reserves score. The market risk score is the weighted average of three scores—the trading revenue volatility to Tier 1 capital score, the market risk capital to Tier 1 capital score, and the level 3 trading assets to Tier 1 capital score. All of these ratios are described in appendix A of this subpart and the method of calculating the scores is described in appendix B of this subpart. Each score is multiplied by its respective weight, and the resulting weighted score is summed to compute the score for the market risk measure. An overall weight of 35 percent is allocated between the scores for the credit quality measure and market risk measure. The allocation depends on the ratio of average trading assets to the sum of average securities, loans and trading assets (trading asset ratio) as follows:

(*v*) Weight for credit quality score = 35 percent * (1 − trading asset ratio); and,

(*vi*) Weight for market risk score = 35 percent * trading asset ratio.

(*vii*) Each of the measures used to calculate the ability to withstand asset-related stress score is assigned the following cutoff values and weights:

CUTOFF VALUES AND WEIGHTS FOR MEASURES TO CALCULATE THE ABILITY TO WITHSTAND ASSET-RELATED STRESS SCORE

Measures of the ability to withstand asset-related stress	Cutoff values		Market risk measure (percent)	Weights (percent)
	Minimum (percent)	Maximum (percent)		
Leverage ratio	6	13		10.
Concentration Measure				35.
Higher Risk Assets/Tier 1 Capital and Reserves;	0	135		
Top 20 Counterparty Exposure/Tier 1 Capital and Reserves; or.	0	125		
Largest Counterparty Exposure/Tier 1 Capital and Reserves.	0	20		
Core Earnings/Average Quarter-end Total Assets	0	2		20.
Credit Quality Measure [1]				35* (1 − Trading Asset Ratio).
Criticized and Classified Items to Tier 1 Capital and Reserves; or.	7	100		
Underperforming Assets/Tier 1 Capital and Reserves	2	35		
Market Risk Measure [1]				35* Trading Asset Ratio.
Trading Revenue Volatility/Tier 1 Capital	0	2	60	
Market Risk Capital/Tier 1 Capital	0	10	20	
Level 3 Trading Assets/Tier 1 Capital	0	35	20	

[1] Combined, the credit quality measure and the market risk measure are assigned a 35 percent weight. The relative weight of each of the two scores depends on the ratio of average trading assets to the sum of average securities, loans and trading assets (trading asset ratio).

(*viii*) [Reserved]

(*ix*) The score of each measure is multiplied by its respective weight and the resulting weighted score is summed to compute the ability to withstand asset-related stress score, which can range from 0 to 100, where a score of 0 reflects the lowest risk and a score of 100 reflects the highest risk.

(*3*) *Ability to withstand funding related stress score.* Three measures are used to calculate the score for the ability to withstand funding-related stress: A core deposits to total liabilities ratio, a balance sheet liquidity ratio, and average short-term funding to average total assets ratio. Appendix A of this subpart describes these ratios. Appendix B of this subpart describes how each measure is converted to a score. The ability to withstand funding-related stress score is the weighted average of the scores for the three measures. In the following table, cutoff values and weights are used to derive an institution's ability to withstand funding-related stress score:

CUTOFF VALUES AND WEIGHTS TO CALCULATE ABILITY TO WITHSTAND FUNDING-RELATED STRESS MEASURES

Measures of the ability to withstand funding-related stress	Cutoff values		Weights (percent)
	Minimum (percent)	Maximum (percent)	
Core Deposits/Total Liabilities	5	87	50
Balance Sheet Liquidity Ratio	7	243	30
Average Short-term Funding/Average Total Assets	2	19	20

(*4*) *Calculation of performance score.* The weighted average CAMELS score, the ability to withstand asset-related stress score, and the ability to withstand funding-related stress score are multiplied by their respective weights (30 percent, 50 percent and 20 percent, respectively) and the results are summed to arrive at the performance score, which cannot be less than 0 or more than 100.

(B) *Loss severity score.* The loss severity score is based on a loss severity measure described in appendix D of this subpart. Appendix B of this subpart also describes how the loss severity measure is converted to a score between 0 and 100. Cutoff values for the loss severity measure are:

CUTOFF VALUES FOR LOSS SEVERITY MEASURE

Measure of loss severity	Cutoff values	
	Minimum (percent)	Maximum (percent)
Loss Severity	0	28

(C) *Total score.* The performance and loss severity scores are combined to produce a total score. The loss severity score is converted into a loss severity factor that ranges from 0.8 (score of 5 or lower) to 1.2 (score of 85 or higher). Scores at or below the minimum cutoff of 5 receive a loss severity factor of 0.8, and scores at or above the maximum cutoff of 85 receive a loss severity factor of 1.2. The following linear interpolation converts loss severity scores between the cutoffs into a loss severity factor: (Loss Severity Factor = 0.8 + [0.005 * (Loss Severity Score − 5)]. The performance score is multiplied by the loss severity factor to produce a total score (total score = performance score * loss severity factor). The total score can be up to 20 percent higher or lower than the performance score but cannot be less than 30 or more than 90. The total score is subject to adjustment, up or down, by a maximum of 15 points, as set forth in paragraph (b)(3) of this section. The resulting total score after adjustment cannot be less than 30 or more than 90.

(D) *Initial base assessment rate.* A highly complex institution with a total score of 30 pays the minimum initial base assessment rate and an institution with a total score of 90 pays the maximum initial base assessment rate. For total scores between 30 and 90, initial base assessment rates rise at an increasing rate as the total score increases, calculated according to the following formula:

$$Rate = Minimum\ Rate + \left[\left(\left(1.4245 \times \left(\frac{Score}{100}\right)^{3}\right) - 0.0385\right) \times (Maximum\ Rate - Minimum\ Rate)\right]$$

Where:

Rate is the initial base assessment rate (expressed in basis points);

Maximum Rate is the maximum initial base assessment rate then in effect (expressed in basis points); and

Minimum Rate is the minimum initial base assessment rate then in effect (expressed in basis points). Initial base assessment rates are subject to adjustment pursuant to paragraphs (b)(3) and (e)(1) and (2) of this section; highly complex institutions that are not well capitalized or have a CAMELS composite rating of 3, 4 or 5 shall be subject to the adjustment at paragraph (e)(3) of this section; these adjustments shall result in the institution's total base assessment rate, which in no case can be lower than 50 percent of the institution's initial base assessment rate.

(3) *Adjustment to total score for large institutions and highly complex institutions.* The total score for large institutions and highly complex institutions is subject to adjustment, up or down, by a maximum of 15 points, based upon significant risk factors that are not adequately captured in the appropriate scorecard. In making such adjustments, the FDIC may consider such information as financial performance and condition information and other market or supervisory information. The FDIC will also consult with an institution's primary federal regulator and, for state chartered institutions, state banking supervisor.

(i) *Prior notice of adjustments*—(A) *Prior notice of upward adjustment.* Prior to making any upward adjustment to an institution's total score because of considerations of additional risk information, the FDIC will formally notify the institution and its primary federal regulator and provide an opportunity to respond. This notification will include the reasons for the adjustment and when the adjustment will take effect.

(B) *Prior notice of downward adjustment.* Prior to making any downward adjustment to an institution's total score because of considerations of additional risk information, the FDIC will formally notify the institution's primary federal regulator and provide an opportunity to respond.

(ii) *Determination whether to adjust upward; effective period of adjustment.* After considering an institution's and the primary federal regulator's responses to the notice, the FDIC will determine whether the adjustment to an institution's total score is warranted, taking into account any revisions to scorecard measures, as well as any actions taken by the institution to address the FDIC's concerns described in the notice. The FDIC will evaluate the need for the adjustment each subsequent assessment period. Except as provided in paragraph (b)(3)(iv) of this section, the amount of adjustment cannot exceed the proposed adjustment amount contained in the initial notice unless additional notice is provided so that the primary federal regulator and the institution may respond.

(iii) *Determination whether to adjust downward; effective period of adjustment.* After considering the primary federal regulator's responses to the notice, the FDIC will determine whether the adjustment to total score is warranted, taking into account any revisions to scorecard measures. Any downward adjustment in an institution's total score will remain in effect for subsequent assessment periods until the FDIC determines that an adjustment is no longer warranted. Downward adjustments will be made without notification to the institution. However, the FDIC will provide advance notice to an institution and its primary federal regulator and give them an opportunity to respond before removing a downward adjustment.

(iv) *Adjustment without notice.* Notwithstanding the notice provisions set forth in paragraph (b)(3) of this section, the FDIC may change an institution's total score without advance notice, if the institution's supervisory ratings or the scorecard measures deteriorate.

(c) *New small institutions*—(1) *Risk categories.* Each new small institution shall be assigned to one of the following four Risk Categories based upon the institution's capital evaluation and supervisory evaluation as defined in this section.

(i) *Risk category I.* New small institutions in Supervisory Group A that are Well Capitalized will be assigned to Risk Category I.

(ii) *Risk category II.* New small institutions in Supervisory Group A that are Adequately Capitalized, and new small institutions in Supervisory Group B that are either Well Capitalized or Adequately Capitalized will be assigned to Risk Category II.

(iii) *Risk category III.* New small institutions in Supervisory Groups A and B that are Undercapitalized, and new small institutions in Supervisory Group C that are Well Capitalized or Adequately Capitalized will be assigned to Risk Category III.

(iv) *Risk category IV.* New small institutions in Supervisory Group C that are Undercapitalized will be assigned to Risk Category IV.

(2) *Capital evaluations.* Each new small institution will receive one of the following three capital evaluations on the basis of data reported in the institution's Consolidated Reports of Condition and Income or Thrift Financial Report (or successor report, as appropriate) dated as of March 31 for the assessment period beginning the preceding January 1; dated as of June 30 for the assessment period beginning the preceding April 1; dated as of September 30 for the assessment period beginning the preceding July 1; and dated as of December 31 for the assessment period beginning the preceding October 1.

(i) *Well capitalized.* A Well Capitalized institution is one that satisfies each of the following capital ratio standards: Total risk-based capital ratio, 10.0 percent or greater; tier 1 risk-based capital ratio, 8.0 percent or greater; leverage ratio, 5.0 percent or greater; and common equity tier 1 capital ratio, 6.5 percent or greater, and after January 1, 2018, if the institution is an insured depository institution subject to the enhanced supplementary leverage ratio standards under 12 CFR 6.4(c)(1)(iv)(B), 12 CFR 208.43(c)(1)(iv)(B), or 12 CFR 324.403(b)(1)(vi), as each may be amended from time to time, a supplementary leverage ratio of 6.0 percent or greater.

(ii) *Adequately capitalized.* An Adequately Capitalized institution is one that does not satisfy the standards of Well Capitalized in paragraph (c)(2)(i) of this section but satisfies each of the following capital ratio standards: Total risk-based capital ratio, 8.0 percent or greater; tier 1 risk-based capital ratio, 6.0 percent or greater; leverage ratio, 4.0 percent or greater; and common equity tier 1 capital ratio, 4.5 percent or greater, and after January 1, 2018, if the institution is an insured depository institution subject to the advanced approaches risk-based capital rules under 12 CFR 6.4(c)(2)(iv)(B), 12 CFR 208.43(c)(2)(iv)(B), or 12 CFR 324.403(b)(2)(vi), as each may be amended from time to time, a supplementary leverage ratio of 3.0 percent or greater.

(iii) *Undercapitalized.* An undercapitalized institution is one that does not qualify as either Well Capitalized or Adequately Capitalized under paragraphs (c)(2)(i) and (ii) of this section.

(3) *Supervisory evaluations.* Each new small institution will be assigned to one of three Supervisory Groups based on the Corporation's consideration of supervisory evaluations provided by the institution's primary federal regulator. The supervisory evaluations include the results of examination findings by the primary federal regulator, as well as other information that the primary federal regulator determines to be relevant. In addition, the Corporation will take into consideration such other information (such as state examination findings, as appropriate) as it determines to be relevant to the institution's financial condition and the risk posed to the Deposit Insurance Fund. The three Supervisory Groups are:

(i) *Supervisory group "A."* This Supervisory Group consists of financially sound institutions with only a few minor weaknesses;

(ii) *Supervisory group "B."* This Supervisory Group consists of institutions that demonstrate weaknesses which, if not corrected, could result in significant deterioration of the institution and increased risk of loss to the Deposit Insurance Fund; and

(iii) *Supervisory group "C."* This Supervisory Group consists of institutions that pose a substantial probability of loss to the Deposit Insurance Fund unless effective corrective action is taken.

(4) *Assessment method for new small institutions in risk category I*—(i) *Maximum initial base assessment rate for risk category I new small institutions.* A new small institution in Risk Category I shall be assessed the maximum initial base assessment rate for Risk Category I small institutions in the relevant assessment period.

(ii) *New small institutions not subject to certain adjustments.* No new small institution in any risk category shall be subject to the adjustment in paragraph (e)(1) of this section.

(iii) *Implementation of CAMELS rating changes*—(A) *Changes between risk categories.* If, during an assessment period, a CAMELS composite rating change occurs that results in a Risk Category I institution moving from Risk Category I to Risk Category II, III or IV, the institution's initial base assessment rate for the portion of the assessment period that it was in Risk Category I shall be the maximum initial base assessment rate for the relevant assessment period, subject to adjustment pursuant to paragraph (e)(2) of this section, as appropriate, and adjusted for the actual assessment rates set by the Board under § 327.10(f). For the portion of the assessment period that the institution was not in Risk Category I, the institution's initial base assessment rate, which shall be subject to adjustment pursuant to paragraphs (e)(2) and (3) of this section, as appropriate, shall be determined under the assessment schedule for the appropriate Risk Category. If, during an assessment period, a CAMELS composite rating change occurs that results in an institution moving from Risk Category II, III or IV to Risk Category I, then the maximum initial base assessment rate for new small institutions in Risk Category I shall apply for the portion of the assessment period that it was in Risk Category I, subject to adjustment pursuant to paragraph (e)(2) of this section, as appropriate, and adjusted for the actual assessment rates set by the Board under § 327.10(f). For the portion of the assessment period that the institution was not in Risk Category I, the institution's initial base assessment rate, which shall be subject to adjustment pursuant to paragraphs (e)(2) and (3) of this section shall be determined under the assessment schedule for the appropriate Risk Category.

(B) [Reserved]

(d) *Insured branches of foreign banks*—(1) *Risk categories for insured branches of foreign banks.* Insured branches of foreign banks shall be assigned to risk categories as set forth in paragraph (c)(1) of this section.

(2) *Capital evaluations for insured branches of foreign banks.* Each insured branch of a foreign bank will receive one of the following three capital evaluations on the basis of data reported in the institution's Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks dated as of March 31 for the assessment period beginning the preceding January 1; dated as of June 30 for the assessment period beginning the preceding April 1; dated as of September 30 for the assessment period beginning the preceding July 1; and dated as of December 31 for the assessment period beginning the preceding October 1.

(i) *Well Capitalized.* An insured branch of a foreign bank is Well Capitalized if the insured branch:

(A) Maintains the pledge of assets required under § 347.209 of this chapter; and

(B) Maintains the eligible assets prescribed under § 347.210 of this chapter at 108 percent or more of the average book value of the insured branch's third-party liabilities for the quarter ending on the report date specified in paragraph (d)(2) of this section.

(ii) *Adequately Capitalized.* An insured branch of a foreign bank is Adequately Capitalized if the insured branch:

(A) Maintains the pledge of assets required under § 347.209 of this chapter; and

(B) Maintains the eligible assets prescribed under § 347.210 of this chapter at 106 percent or more of the average book value of the insured branch's third-party liabilities for the quarter ending on the report date specified in paragraph (d)(2) of this section; and

(C) Does not meet the definition of a Well Capitalized insured branch of a foreign bank.

(iii) *Undercapitalized.* An insured branch of a foreign bank is undercapitalized institution if it does not qualify as either Well Capitalized or Adequately Capitalized under paragraphs (d)(2)(i) and (ii) of this section.

(3) *Supervisory evaluations for insured branches of foreign banks.* Each insured branch of a foreign bank will be assigned to one of three supervisory

groups as set forth in paragraph (c)(3) of this section.

(4) *Assessment method for insured branches of foreign banks in risk category I.* Insured branches of foreign banks in Risk Category I shall be assessed using the weighted average ROCA component rating.

(i) *Weighted average ROCA component rating.* The weighted average ROCA component rating shall equal the sum of the products that result from multiplying ROCA component ratings by the following percentages: Risk Management—35%, Operational Controls—25%, Compliance—25%, and Asset Quality—15%. The weighted average ROCA rating will be multiplied by 5.076 (which shall be the pricing multiplier). To this result will be added a uniform amount. The resulting sum—the initial base assessment rate—will equal an institution's total base assessment rate; provided, however, that no institution's total base assessment rate will be less than the minimum total base assessment rate in effect for Risk Category I institutions for that assessment period nor greater than the maximum total base assessment rate in effect for Risk Category I institutions for that assessment period.

(ii) *Uniform amount.* Except as adjusted for the actual assessment rates set by the Board under § 327.10(f), the uniform amount for all insured branches of foreign banks shall be:

(A) −5.127 whenever the assessment rate schedule set forth in § 327.10(b) is in effect;

(B) −6.127 whenever the assessment rate schedule set forth in § 327.10(c) is in effect; or

(C) −7.127 whenever the assessment rate schedule set forth in § 327.10(d) is in effect.

(iii) *Insured branches of foreign banks not subject to certain adjustments.* No insured branch of a foreign bank in any risk category shall be subject to the adjustments in paragraph (b)(3) or (e)(1) or (3) of this section.

(iv) *Implementation of changes between risk categories for insured branches of foreign banks.* If, during an assessment period, a ROCA rating change occurs that results in an insured branch of a foreign bank moving from Risk Category I to Risk Category II, III or IV, the institution's initial base assessment rate for the portion of the assessment period that it was in Risk Category I shall be determined using the weighted average ROCA component rating. For the portion of the assessment period that the institution was not in Risk Category I, the institution's initial base assessment rate shall be determined under the assessment schedule for the appropriate Risk Category. If, during an assessment period, a ROCA rating change occurs that results in an insured branch of a foreign bank moving from Risk Category II, III or IV to Risk Category I, the institution's assessment rate for the portion of the assessment period that it was in Risk Category I shall equal the rate determined as provided using the weighted average ROCA component rating. For the portion of the assessment period that the institution was not in Risk Category I, the institution's initial base assessment rate shall be determined under the assessment schedule for the appropriate Risk Category.

(v) *Implementation of changes within risk category I for insured branches of foreign banks.* If, during an assessment period, an insured branch of a foreign bank remains in Risk Category I, but a ROCA component rating changes that will affect the institution's initial base assessment rate, separate assessment rates for the portion(s) of the assessment period before and after the change(s) shall be determined under this paragraph (d)(4).

(e) *Adjustments*—(1) *Unsecured debt adjustment to initial base assessment rate for all institutions.* All institutions, except new institutions as provided under paragraphs (g)(1) and (2) of this section and insured branches of foreign banks as provided under paragraph (d)(4)(iii) of this section, shall be subject to an adjustment of assessment rates for unsecured debt. Any unsecured debt adjustment shall be made after any adjustment under paragraph (b)(3) of this section.

(i) *Application of unsecured debt adjustment.* The unsecured debt adjustment shall be determined as the sum of the initial base assessment rate plus 40 basis points; that sum shall be multiplied by the ratio of an insured depository institution's long-term unsecured debt to its assessment base. The amount of the reduction in the assessment rate due to the adjustment is equal to the dollar amount of the adjustment divided by the amount of the assessment base.

(ii) *Limitation.* No unsecured debt adjustment for any institution shall exceed the lesser of 5 basis points or 50 percent of the institution's initial base assessment rate.

(iii) *Applicable quarterly reports of condition.* Unsecured debt adjustment ratios for any given quarter shall be calculated from quarterly reports of condition (Consolidated Reports of Condition and Income and Thrift Financial Reports, or any successor reports to either, as appropriate) filed by each institution as of the last day of the quarter.

(2) *Depository institution debt adjustment to initial base assessment rate for all institutions.* All institutions shall be subject to an adjustment of assessment rates for unsecured debt held that is issued by another depository institution. Any such depository institution debt adjustment shall be made after any adjustment under paragraphs (b)(3) and (e)(1) of this section.

(i) *Application of depository institution debt adjustment.* An insured depository institution shall pay a 50 basis point adjustment on the amount of unsecured debt it holds that was issued by another insured depository institution to the extent that such debt exceeds 3 percent of the institution's Tier 1 capital. The amount of long-term unsecured debt issued by another insured depository institution shall be calculated using the same valuation methodology used to calculate the amount of such debt for reporting on the asset side of the balance sheets.

(ii) *Applicable quarterly reports of condition.* Depository institution debt adjustment ratios for any given quarter shall be calculated from quarterly reports of condition (Consolidated Reports of Condition and Income and Thrift Financial Reports, or any successor reports to either, as appropriate) filed by each institution as of the last day of the quarter.

(3) *Brokered deposit adjustment.* All new small institutions in Risk Categories II, III, and IV, all large institutions and all highly complex institutions, except large and highly complex institutions (including new large and new highly complex institutions) that are well capitalized and have a CAMELS composite rating of 1 or 2, shall be subject to an assessment rate adjustment for brokered deposits. Any such brokered deposit adjustment shall be made after any adjustment under paragraphs (b)(3) and (e)(1) and (2) of this section. The brokered deposit adjustment includes all brokered deposits as defined in Section 29 of the Federal Deposit Insurance Act (12 U.S.C. 1831f), and 12 CFR 337.6, including reciprocal deposits as defined in § 327.8(p), and brokered deposits that consist of balances swept into an insured institution from another institution. The adjustment under this paragraph is limited to those institutions whose ratio of brokered deposits to domestic deposits is greater than 10 percent; asset growth rates do not affect the adjustment. Insured branches of foreign banks are not subject to the brokered deposit adjustment as

provided in paragraph (d)(4)(iii) of this section.

(i) *Application of brokered deposit adjustment.* The brokered deposit adjustment shall be determined by multiplying 25 basis points by the ratio of the difference between an insured depository institution's brokered deposits and 10 percent of its domestic deposits to its assessment base.

(ii) *Limitation.* The maximum brokered deposit adjustment will be 10 basis points; the minimum brokered deposit adjustment will be 0.

(iii) *Applicable quarterly reports of condition.* The brokered deposit adjustment for any given quarter shall be calculated from the quarterly reports of condition (Call Reports and Thrift Financial Reports, or any successor reports to either, as appropriate) filed by each institution as of the last day of the quarter.

(f) *Request to be treated as a large institution*—(1) *Procedure.* Any institution with assets of between $5 billion and $10 billion may request that the FDIC determine its assessment rate as a large institution. The FDIC will consider such a request provided that it has sufficient information to do so. Any such request must be made to the FDIC's Division of Insurance and Research. Any approved change will become effective within one year from the date of the request. If an institution whose request has been granted subsequently reports assets of less than $5 billion in its report of condition for four consecutive quarters, the institution shall be deemed a small institution for assessment purposes.

(2) *Time limit on subsequent request for alternate method.* An institution whose request to be assessed as a large institution is granted by the FDIC shall not be eligible to request that it be assessed as a small institution for a period of three years from the first quarter in which its approved request to be assessed as a large institution became effective. Any request to be assessed as a small institution must be made to the FDIC's Division of Insurance and Research.

(3) *Request for review.* An institution that disagrees with the FDIC's determination that it is a large, highly complex, or small institution may request review of that determination pursuant to § 327.4(c).

(g) *New and established institutions and exceptions*—(1) *New small institutions.* A new small Risk Category I institution shall be assessed the Risk Category I maximum initial base assessment rate for the relevant assessment period. No new small institution in any risk category shall be subject to the unsecured debt adjustment as determined under paragraph (e)(1) of this section. All new small institutions in any Risk Category shall be subject to the depository institution debt adjustment as determined under paragraph (e)(2) of this section. All new small institutions in Risk Categories II, III, and IV shall be subject to the brokered deposit adjustment as determined under paragraph (e)(3) of this section.

(2) *New large institutions and new highly complex institutions.* All new large institutions and all new highly complex institutions shall be assessed under the appropriate method provided at paragraph (b)(1) or (2) of this section and subject to the adjustments provided at paragraphs (b)(3) and (e)(2) and (3) of this section. No new highly complex or large institutions are entitled to adjustment under paragraph (e)(1) of this section. If a large or highly complex institution has not yet received CAMELS ratings, it will be given a weighted CAMELS rating of 2 for assessment purposes until actual CAMELS ratings are assigned.

(3) *CAMELS ratings for the surviving institution in a merger or consolidation.* When an established institution merges with or consolidates into a new institution, if the FDIC determines the resulting institution to be an established institution under § 327.8(k)(1), its CAMELS ratings for assessment purposes will be based upon the established institution's ratings prior to the merger or consolidation until new ratings become available.

(4) *Rate applicable to institutions subject to subsidiary or credit union exception*—(i) *Established small institutions.* A small institution that is established under § 327.8(k)(4) or (5) shall be assessed as follows:

(A) If the institution does not have a CAMELS composite rating, its initial base assessment rate shall be 2 basis points above the minimum initial base assessment rate applicable to established small institutions until it receives a CAMELS composite rating.

(B) If the institution has a CAMELS composite rating but no CAMELS component ratings, its initial assessment rate shall be determined using the financial ratios method, as set forth in paragraph (a)(1) of this section, but its CAMELS composite rating will be substituted for its weighted average CAMELS component rating and, if the institution has not filed four quarterly reports of condition, then the assessment rate will be determined by annualizing, where appropriate, financial ratios from all quarterly reports of condition that have been filed.

(ii) *Large or highly complex institutions.* If a large or highly complex institution is considered established under § 327.8(k)(4) or (5), but does not have CAMELS component ratings, it will be given a weighted CAMELS rating of 2 for assessment purposes until actual CAMELS ratings are assigned.

(5) *Request for review.* An institution that disagrees with the FDIC's determination that it is a new institution may request review of that determination pursuant to § 327.4(c).

(h) *Assessment rates for bridge depository institutions and conservatorships.* Institutions that are bridge depository institutions under 12 U.S.C. 1821(n) and institutions for which the Corporation has been appointed or serves as conservator shall, in all cases, be assessed at the minimum initial base assessment rate applicable to established small institutions, which shall not be subject to adjustment under paragraph (b)(3) or (e)(1), (2), or (3) of this section.

By order of the Board of Directors.

Dated at Washington, DC, this 26th day of April, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–11181 Filed 5–19–16; 8:45 am]

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

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Part IV

The President

Notice of May 18, 2016—Continuation of the National Emergency With Respect to the Stabilization of Iraq

Federal Register
Vol. 81, No. 98
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Presidential Documents

Title 3—

The President

Notice of May 18, 2016

Continuation of the National Emergency With Respect to the Stabilization of Iraq

On May 22, 2003, by Executive Order 13303, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

The obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13303, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, Executive Order 13438 of July 17, 2007, and Executive Order 13668 of May 27, 2014, must continue in effect beyond May 22, 2016. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
May 18, 2016.

[FR Doc. 2016–12142
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FEDERAL REGISTER

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Part V

The President

Executive Order 13728—Wildland-Urban Interface Federal Risk Mitigation

Federal Register
Vol. 81, No. 98
Friday, May 20, 2016

Presidential Documents

Title 3—

The President

Executive Order 13728 of May 18, 2016

Wildland-Urban Interface Federal Risk Mitigation

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve the Nation's resilience to wildfire, I hereby direct the following:

Section 1. *Policy*. It is the policy of the United States to strengthen the security and resilience of the Nation against the impacts of wildfire. The annual estimates on structure loss due to wildfire have increased dramatically over the past six decades as a result of multi-year drought conditions in combination with accumulated fuel loads, growing populations residing in the wildland-urban interface, and associated increases in the exposure of built environments. As such, we must continue to ensure our Nation is resilient to wildfire in order to promote public safety, economic strength, and national security.

The Federal Government must continue to take proactive steps to enhance the resilience of buildings that are owned by the Federal Government and are located on Federal land. Each executive department and agency (agency) responsible for implementing this order shall seek to enhance the resilience of its buildings when making investment decisions to ensure continued performance of essential functions and to reduce risks to its buildings' occupants in the event of a wildfire.

Sec. 2. *Codes and Concurrent Requirements*. (a) Commencing within 90 days of the completion of the implementing guidelines as described in section 3(b)(i) of this order, each agency shall ensure that every new Federal building above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk for which the agency has not completed design is in compliance with the 2015 edition of the International Wildland-Urban Interface Code (IWUIC) promulgated by the International Code Council (ICC), or an equivalent code, consistent with the provisions of and to the extent required by 40 U.S.C. 3312. When the ICC releases a new version of the IWUIC, a determination shall be made whether the new version is a nationally recognized code for the purposes of 40 U.S.C. 3312(b), as expeditiously as practicable, but not later than 2 years after the release of the new version. If a determination is made that a new version is a nationally recognized code, agencies shall ensure that any Federal building covered by this section for which the agency has not completed design is in compliance with that new version, or an equivalent code, consistent with the provisions of and to the extent required by 40 U.S.C. 3312.

(b) Commencing within 90 days of the completion of the implementing guidelines as described in section 3(b)(i) of this order, each agency responsible for the alteration of an existing Federal building above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk for which the agency has not completed design shall ensure that the alteration is effectuated in compliance with the IWUIC, or an equivalent code, consistent with the provisions of and to the extent required by 40 U.S.C. 3312. When the ICC releases a new version of the IWUIC, a determination shall be made whether the new version is a nationally recognized code for the purposes of 40 U.S.C. 3312(b), as expeditiously as practicable, but not later than 2 years after the release of the new version. If a determination is made that a new version is a nationally recognized code, agencies shall ensure that any Federal building covered by this section for which the agency has not completed design is in compliance with that new version, or an equivalent code, consistent with the provisions of and to the extent required by 40 U.S.C. 3312.

(c) Each agency that owns an existing Federal building above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk is strongly encouraged to ensure that such existing buildings are in compliance with the IWUIC, or an equivalent code.

(d) The heads of agencies whose activities are covered by sections 2(a) and 2(b) of this order shall complete a wildfire risk assessment of their existing Federal buildings above 5,000 gross square feet within the wildland-urban interface and are strongly encouraged to consider creating and maintaining a defensible space in compliance with the IWUIC, or an equivalent code, for each of those buildings they determine to be at highest risk.

(e) Each agency that leases space in a building to be constructed for the predominant use of an agency above 5,000 rentable square feet in the wildland-urban interface in an area of greater than moderate wildfire risk is strongly encouraged to ensure that the building is designed and constructed in accord with the IWUIC, or an equivalent code.

(f) Each agency assisting in the financing, through Federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance premiums, of a newly constructed building or of an alteration of an existing building above 5,000 gross square feet within the wildland-urban interface at moderate or greater wildfire risk shall consider updating its procedures for providing the assistance to be consistent with sections 2(a) and 2(b) of this order, to ensure appropriate consideration of wildfire-resistant design and construction.

(g) To the extent permitted by law, the heads of all agencies may:

(i) require higher performance levels than exist in the codes described in section 2(a) of this order;

(ii) apply the requirements within section 2(a) of this order to new buildings less than 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk; and

(iii) apply the requirements within section 2(b) of this order to existing buildings less than 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk.

(h) When calculating whether a building is at moderate or greater wildfire risk, agencies should act in accordance with the methods described in the 2015 edition of the IWUIC, or any subsequent version that is determined to be a nationally recognized code for the purposes of 40 U.S.C. 3312(b), or an equivalent code, or in accordance with an equivalent method.

(i) Each building constructed or altered in accordance with section 2(a) or (b) of this order shall comply with the IWUIC, or an equivalent code, only to the maximum extent feasible as determined by the head of an agency.

Sec. 3. *Agency Responsibilities.* (a) The heads of all agencies that own Federal buildings above 5,000 gross square feet on Federal land within the wildland-urban interface at moderate or greater wildfire risk shall determine the appropriate process within their respective agencies to ensure compliance with this order.

(b) The Mitigation Framework Leadership Group (MitFLG) shall:

(i) create implementing guidelines to advise and assist agency compliance with the code requirements within 240 days of the date of this order;

(ii) provide assistance to the agencies in interpreting the implementing guidelines.

(c) When determining whether buildings are located within the wildland-urban interface, agencies shall use the U.S. Department of Agriculture Forest Service's, "The 2010 Wildland-Urban Interface of the Conterminous United

States," or an equivalent tool. The Secretary of Agriculture shall provide assistance to the agencies in determining whether buildings are located within the wildland-urban interface.

(d) The heads of agencies whose activities are covered by sections 2(a) and 2(b) of this order shall submit a report once every 2 years to the Chair of the MitFLG on their progress in implementing the order, commencing 2 years from the date of this order.

Sec. 4. *Definition.* As used in this order, "building" means a constructed asset that is enclosed with walls and a roof that provides space for agencies to perform activities or store materials as well as provides spaces for people to live or work.

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law, including the National Historic Preservation Act of 1966, and subject to the availability of appropriations.

(c) This order applies only to buildings within the United States and its territories and possessions.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
May 18, 2016.

[FR Doc. 2016–12155
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